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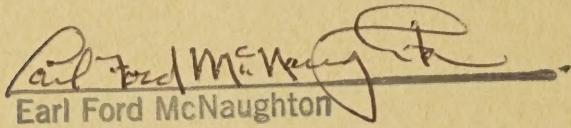
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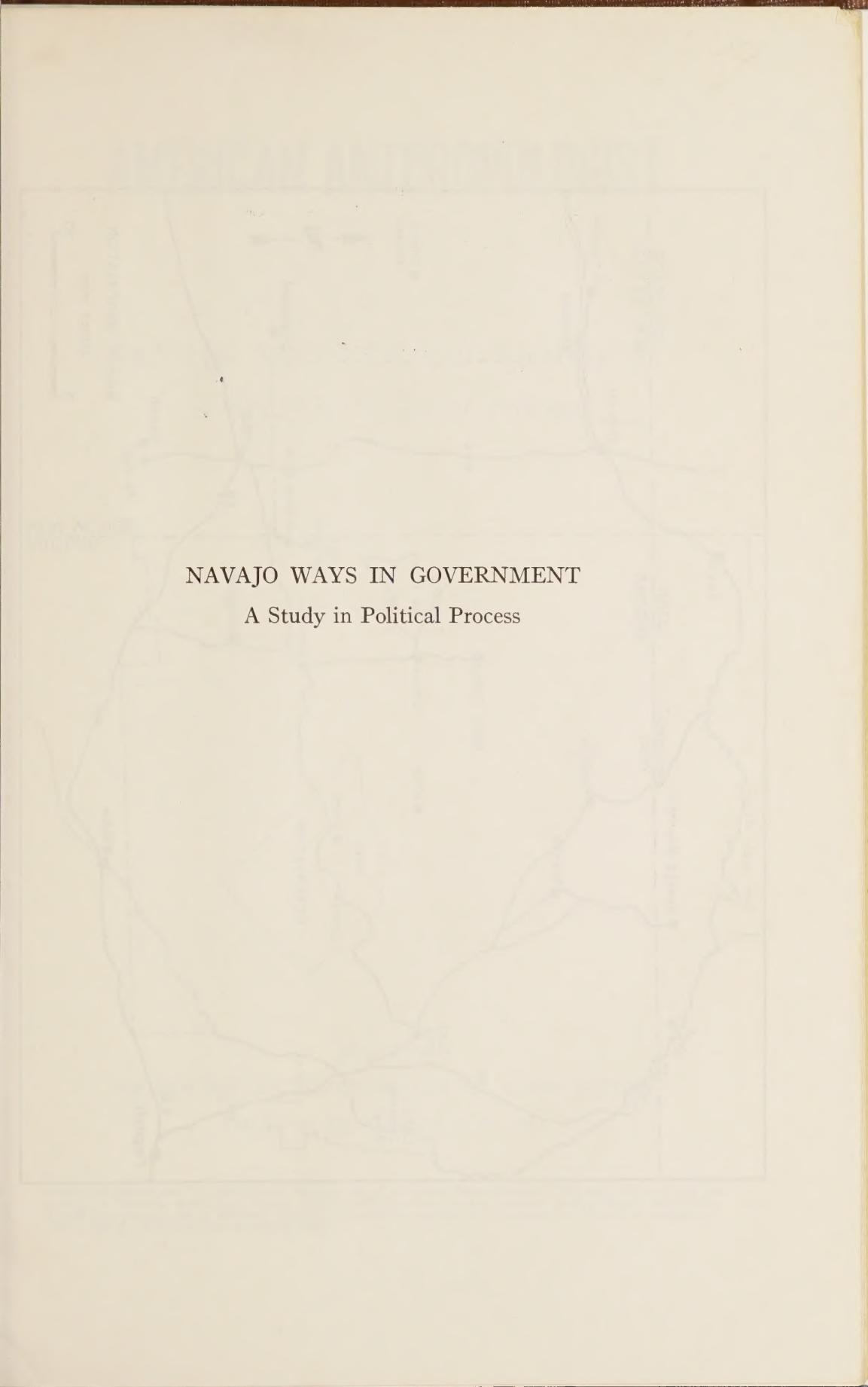
by
MARY SHEPARDSON

AMERICAN ANTHROPOLOGICAL ASSOCIATION
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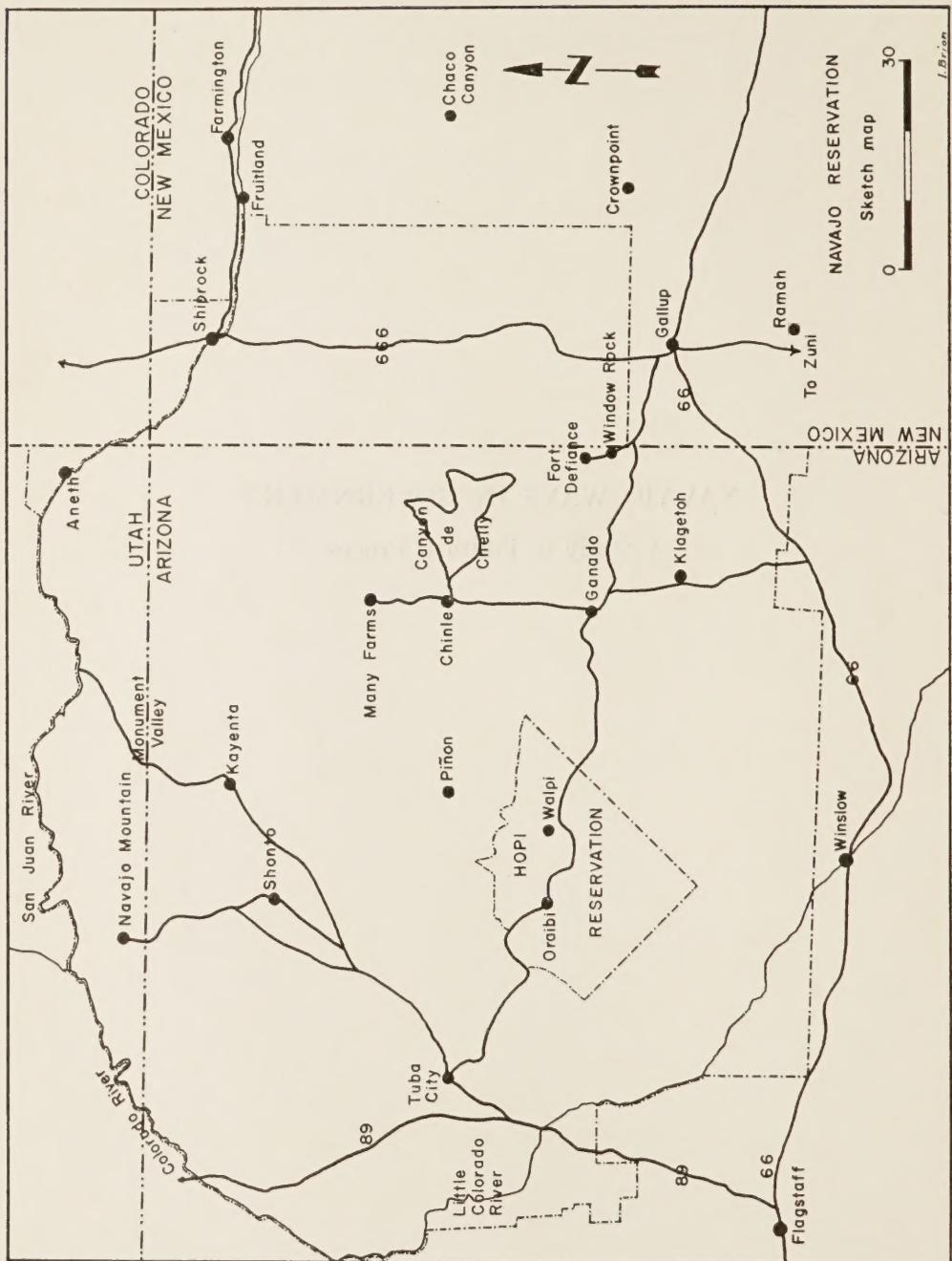
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NAVAJO WAYS IN GOVERNMENT

A Study in Political Process



AMERICAN ANTHROPOLOGIST

NAVAJO WAYS IN GOVERNMENT

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by

MARY SHEPARDSON

Memoir 96

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To The Memory

of

CLYDE KLUCKHOHN

who welcomed a graduate student with
kindness and enthusiasm into an ex-
citing collective enterprise—the study
of human behavior.

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Preface

THIS MONOGRAPH is a revision of my 1960 doctoral dissertation for the University of California at Berkeley. The field work on which it is based consisted of nine short trips to the Southwest, varying in length from two weeks to two months, between August 1954 and June 1959. Places visited were Flagstaff, Window Rock, Saint Michaels, Ganado, Chinle, Many Farms, Leupp, Lukachukai, and Pine Springs in Arizona; Gallup, Farmington, Shiprock, and Santa Fe in New Mexico. Besides intensively interviewing Navajos and non-Navajos, I attended meetings, tribal affairs, and traditional ceremonies, and corresponded with officials in Congress, State and local governments, the Bureau of Indian Affairs, the Tribe's Administration, the Bureau of Ethnic Research, and certain Indian Rights Associations.

I attended the Gallup Ceremonial in 1954 and 1958; the Flagstaff Powwow in 1956; the Navajo Tribal Fair in 1955; rodeos at Chinle and Lukachukai; Navajo Council meetings in Window Rock in 1957 and 1958; Chapter meetings at Pine Springs, at Leupp, and at Many Farms, and a number of such meetings at Chinle over the years. I went to brandings and sheep dippings, to Squaw Dances, to Blessing Way and Shooting Way Ceremonies, to a Presbyterian Camp Meeting, to church in Chinle and Del Muerto, and visited the clinic at Many Farms, hospitals at Ganado and Fort Defiance, and schools in Chinle, Valley Store, Del Muerto, and Farmington.

I interviewed 212 people and met and talked with a great many more. In selecting Navajo informants, I tried to interview tribal officers and personnel, candidates for election, Delegates, Chapter officers, Navajo Federal Government employees, and local "influentials," such as old leaders, medicine men, and modern leaders. In addition I tried to get a spread of opinion among Navajo men and women of different ages, occupations, and levels of acculturation.

White informants were selected in terms of the roles they played in the Navajo situation: Indian Bureau officials and other personnel, traders, missionaries, teachers, doctors, Tribal Council employees, local legislators, editors, social workers, members of Indian Commissions and Indian Rights Associations, and, of course, my anthropological colleagues.

Of the 212 informants, 90 were Navajo; 115, white; 7, other Indian. Among Navajos, 29 were women, and 61 were men; 52 were educated; 10 had no education; 28 had had two or three years of schooling. The ages were approximately:

<i>Ages</i>	<i>Number</i>
0-20	2
20-30	13
30-40	23
40-50	18
50-60	16
60-70	6
70-80	12

By occupation there were: 4 Tribal Council officers; 2 Judges; 10 Delegates; 16 tribal employees; 15 Government employees; 3 tribal rangers; 5 interpreters; 6 Chapter officers; 3 State employees; 2 nurses; 3 mechanics; 1 policeman; 18 farmers; 7 veterans; 1 garage owner; 3 service station operators; 1 peyote priest; 4 ceremonial practitioners; 1 Navajo evangelist; 1 artist; 11 sheep owners; 2 school girls. (Any one informant may be classed in several categories.)

Of the 115 white informants, 18 were anthropologists; 18 were Indian Bureau officials or employees; 15 were traders; 13 were missionaries (Presbyterian, Catholic, Methodist, and Episcopalian); and the others were newspaper editors, social workers, doctors, legislators, sheriffs, businessmen, rangers, teachers, and housewives close to the Indian situation. All "other Indians" were Sioux, Choctaw, Cherokee, Tlingit, and Hopi officials or employees of the Bureau of Indian Affairs.

In presenting this breakdown of informants by occupation (and for Navajos by age, sex, and education as well), I do not intend to create a false aura of scientific accuracy. The conclusions of this monograph are offered only as an informed opinion. I have tried to evaluate the problem within a broad framework of inquiry, reading, and participation as an observer. My aim is to present with understanding the conflicting opinions and interests which make up developing political process among the Navajo Indians. My one strong bias is the belief that Navajos should be allowed to move in directions of their own choosing and at their own rate of speed. They should be permitted to preserve as much of their own culture as they see fit; those who wish to move into the larger society should be substantially encouraged; the Navajo Tribal Council should be assisted in its efforts at self-government and its aim of raising the standard of living for all Navajos. In the end, I believe, the Navajos will adopt the long view, and their efforts at self-government will make an important contribution to American life as a whole.

Of the many people who have aided me in this research, I should like to thank the Department of Anthropology at Stanford University for permitting me to receive a Master's degree. My particular thanks are due the Department of Anthropology at the University of California in Berkeley for the training, the encouragement, and the travel funds which led directly to the completion of the study.

To my colleagues in the Navajo field, I am grateful for much assistance. Dr. Evon Z. Vogt gave me his manuscript on Navajo acculturation. Dr. David Aberle's analysis of Navajo social structure had an important influence on my thinking. Robert W. Young, of the Navajo Agency, through his *Navajo Yearbooks*, many interviews, and numerous letters provided me with the basic economic and factual data for this monograph. Eileen Green kindly allowed me to use her 1957 study of Navajo Chapters. Dr. John Adair, Dr. William Y. Adams, and Dr. Tom Sasaki offered aid, advice, and information as well as friendship on my repeated trips to the Southwest. To my old Stanford friends, Mable and James Bosch, I am deeply grateful for good food, a good bed, hand-

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Many people have assisted with articles, information, and photographs: Father Donnan and Father Max of the Franciscan Fathers, Mr. C. C. Carshal and Mr. Walter O. Olson of the Bureau of Indian Affairs, Dr. William H. Kelly of the Bureau of Ethnic Research, Mr. Thomas S. Shiya of the Arizona Commission on Indian Affairs, Mr. Charles Minton of the Southwestern Association on Indian Affairs, Mr. Norman Littell, Senator Barry Goldwater and Representative Stewart Udall of Arizona, State Senator Richard Pousma of New Mexico.

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Particular thanks are due my dissertation committee, Dr. Lloyd A. Fallers, Dr. David M. Schneider, and Dr. Guy Pauker. Dr. Pauker lent me manuscripts and gave suggestions which were of help in formulating my research. Dr. David Schneider has earned my deep gratitude for aid, encouragement, and friendship. Dr. Lloyd Fallers, who is most directly responsible for this study in comparative politics, spent hours of his time helping me to clarify my thoughts, plan my research, and carry the writing to conclusion. Finally, I should like to acknowledge my debt, which can never be repaid, to Dr. Clyde Kluckhohn, who sustained me with his kindness and encouragement, and spurred me on with his enthusiasm. Just before his death he read the manuscript of my dissertation, and many of his suggestions have been incorporated in this revision. My friend Lygia Callejo, who took one of the field trips with me, helped with details of checking and rewriting. My husband, Dr. Dwight Shepardson, gave me every kind of aid, material and moral, and is in large measure responsible for my opportunities.

PART I

THE PROBLEM AND THE
BACKGROUND

CHAPTER I

The Problem

THE SUBJECT of this study is the institutionalization of a modern political system in a society that traditionally lacked centralized authority and concrete units of government. The society is that of the Navajo¹ tribe; and the institutionalization has been occurring within a "colonial" setting. Until the recent past, the basis of unity among Navajo Indians has been a common language, a common heritage of customs and beliefs, and a sense of distinction between themselves—the *Diné*, or People—and all other tribes, nations, and races. Conquered by the United States Army in 1864, the Navajos were removed from their land in Arizona and New Mexico and settled under military control at Fort Sumner on the Pecos River. In 1868 a treaty was signed with the Navajos as a sovereign tribe, and more than 8,000 Navajos were established on a reservation in Arizona and New Mexico. Nearly one hundred years have elapsed since then, and many ways of governing the Navajos as reservation Indians have been tried by the United States.

In 1923, the Secretary of the Interior established the Navajo Tribal Council, with authority to sign oil leases for the tribe as a whole. Although the Navajo Tribal Council has been in existence for thirty-seven years, it is only within the last fifteen that the organization has become institutionalized in Navajo society—that is, accepted and integrated into the present-day Navajo social system as the focus of an emerging tribe centered culture. The majority of Navajos regard the Tribal Council as capable of meeting important needs of the tribe; increasingly they accept its authority, regard its rules as binding, and view as legitimate its right to use force within the limits permitted by the Federal Government. Broad tribal authority is legitimized by the Supreme Court of the United States, upheld by the Federal Government and the Bureau of Indian Affairs, and recognized, with some reluctance, by the States—Arizona, New Mexico, and Utah—in which the Navajo Reservation lies. Although the Navajo Tribal Council functions without a constitution, it is the *de facto* government of the tribe and has preempted the authority accorded to the Navajo people as a treaty sovereign.

Today the Council exercises a wide range of authority—legislative, executive, and judicial—over nearly 85,000 tribal members and 15 million acres of land. Despite the fact that the Secretary of the Interior retains the right to approve or veto certain Council decisions, this modern political system is assuming many of the attributes of a state within a state, a developing new nation in a semicolonial setting. As such, it bears comparison with nationalist developments in other parts of the world.

The purpose of this study, then, is twofold: to present a case study of one society and to offer an essay in comparative politics. In the first place, it will describe and analyze modern political developments in the Navajo tribe, and

venture some predictions on possible directions of change. Secondly, it will offer a more general theoretical analysis of the factors that tend to promote, and those that tend to retard and inhibit, the institutionalization (acceptance and incorporation) of a modern political system in a stateless, tradition-oriented society.

The case study will be presented as a functional analysis of Navajo politics against a background of the main historical events and periods, the physical setting, and a sketch of Navajo economy and traditional Navajo social structure. The interaction of four authority systems—traditional Navajo, modern Navajo, Federal Government, and local States—will be described in terms of their types of authority, fields of jurisdiction, structure of values and goals, concrete units of government, and component political roles. Material from field studies made between the Navajo tribal election of March 1955 and the election of March 1959 will demonstrate how the Navajos regard the political process and participate in it.

We may study developing political process among Navajo Indians in a number of different ways. As an acculturation problem involving two cultures in contact, it may be analyzed in terms of the contact situation, the character of the conjunctive relations, and the reasons for the acceptance or rejection of new items of political behavior as presented to the receiving culture by a donor culture. It may be studied as the meeting of two systems of conflicting or compatible values, value being defined as:

a conception, explicit or implicit, distinctive of an individual or characteristic of a group, of the desirable which influences the selection from available modes, means, and ends of action (Kluckhohn 1954:395).

Or one may focus on the interaction of actors in an ordered, normatively defined situation with emphasis on motivations for conformity or deviance.

This study will treat the problem as a process operating within a cultural system (the Navajo way of life) which is an enclave in a larger cultural system (the United States of America). The group of people which sustains the cultural system is a *society*. In sum, a *cultural system* is a total way of life; a *social system* is a self-sufficient system of action by which the members of the society interrelate and organize their activities. I conceive of a system as consisting of mutually adjusted and interdependent parts, so that a change in one of the elements will affect the other elements and set adaptive processes in motion. *Social structure* is the ordering of the personnel of a society into related positions or roles, which are defined in terms of reciprocal expectations, rights, and duties (Siegel 1954). *Role* is a set of expectations applied to the incumbent of a position in a system of social relationships (Gross, Mason, McEachern 1958: 60). A socially defined position is a *role*; the actor or incumbent in this position is the *role player*; his actual behavior is *role behavior*. The *political* aspect of a social system will be defined as ultimate authority to make binding decisions for the direction of the affairs of a society. A more exhaustive treatment of the problems of defining "political" will be reserved for Part II.

Different types of political systems have interacted at various periods in Navajo history, the most important being Pueblo-Navajo, Navajo-Spanish, and Navajo-United States Government. At the present time, the traditional Navajo authority system, the modern Navajo system, the system of the Federal Government, and that of the three local States are the interacting elements. Each of these authority systems had, or has, its own structure of values and norms, and its system of political or decision-making roles which are socially defined in terms of reciprocal expectations, rights, and duties. We will analyze the types of authority involved, the component roles, how they are defined and by whom, methods of recruitment and of compensation, the limits of authority and accountability, and the types of situations in which the political role players must act. We will examine areas of strain that appear in conflicts within a role, conflicts between roles, and conflicts among the role definers who compose the system. Of particular interest is the manner in which the role players perceive the objective situation, and their motivations for conforming to, or opposing, the expectations of the role definers. Role behavior is the point at which individual behavior becomes social action and is therefore a significant area for the study of change in a society.

Part I will be devoted to the background of Navajo life, including a sketch of Navajo history, the physical and demographic setting, economic development, and the traditional groupings in the social structure. Part II will deal with the political aspect more specifically.

I have not attempted to bring this study up to date past 1960; however, a few important changes since then have been added as notes at the end of the book, and the References reflect recently published works.

CHAPTER II

Navajo History

THE PREHISTORIC PERIOD OF THE EARLY MIGRATIONS

THE MIGRATION of Navajo Indians from the northern part of North America into the Southwest must be reconstructed from language distributions, archeology, myth material, and cultural comparisons. Athabascan-speaking people now inhabit an extensive area in Northwest Canada, small communities on the Northwest Pacific coast, in northern California, and in the Southwest, and certainly, at one time, were found in northern Mexico. The Southern Athabascans, or Apachean-speaking people, can be further differentiated into Eastern and Western Apacheans, and into clearly distinguishable groups of Navajo, Western Apache, Jicarilla, Mescalero, Chiricahua, Lipan, and Kiowa Apache. Each of these tribes speaks an Apachean language and each has made a cultural adjustment to differing ecological and cultural contact situations. Evidently the Athabascans entered the Southwest as undifferentiated groups from Northwest Canada and subsequently developed in different directions. From the point of view of shared traits and social structure, the Western Apache and the Navajo resemble each other more closely than they resemble other Apachean tribes.

The question of when the Athabascans arrived in the Southwest is debatable, but some evidence has been assembled from archeology and glottochronology (the latter is a method devised by Morris Swadesh for dating the diversification of a language family). Hoijer suggests a time scheme in an article published in 1956. Subsequently, Hymes, applying a slightly different method to Hoijer's data, pushed back the time scheme for the break-up of the Athabascan languages about 300 years (1957). Hoijer is presently at work on a revision of the dating based on fuller language data. His time scheme as of 1956 is as follows:

- 1300 to 1000 years ago—Athabascan migration to the Pacific Coast.
- 1000 to 600 years ago—Apachean migration to the Southwest.
- 500 to 400 years ago—Beginnings of the differentiation of contemporary Apachean tribes (Hoijer 1956:232).

The first tree-ring date for a Navajo hogan ruin is A.D. 1541 in the Gobernador area (Hall 1944:100). Further material has been collected for the Navajo Claims Case² but has not yet been released. David De Harport estimates A.D. 1000 to 1200 as the time of arrival of the Athabascans. Some archeologists have suggested that the apparently defensive reaction of the ancient Pueblo peoples in abandoning open sites for cliff dwellings (A.D. 1150-1250) was precipitated by the arrival of predatory nomads in the Southwest (Reed 1954:593; Wormington 1951:79-82).

Reconstruction of the cultural and social patterns of this phase of Navajo, or Athabascan, prehistory must perforce be highly speculative. Probably they migrated as small bands of hunters and gatherers, with the loose social structure based on kinship relations usually found in bands. Leadership may have been in the hands of a chief or band leader, or it may have been entrusted to a council of elders, or, simply, to a council of all the adult members of the band. Myth materials treat Navajos as a wandering band of people clad in skins and woven cedar bark with yucca fiber sandals, a people who subsisted on small mammals and the seeds of wild plants (Matthews 1897:141). Aberle believes that at this period organized, authoritarian, firmly structured kinship units must have been lacking above the family level (1961:131).

THE PREHISTORIC PERIOD OF PUEBLO CONTACT

During the period of contact with the more complex culture of the Southwestern Pueblo peoples, whether through trade, warfare, or intermarriage, the Navajos probably adopted dry farming and possibly some flood-water agriculture. They absorbed other Pueblo traits, particularly in the field of religion: elaborate Navajo ceremonials and mythology, for example, were doubtless derived from Pueblo contact. The learned Singer replaced the inspired Shaman of the North. Matrilineal clans may have diffused to Navajos and Western Apaches, although the preference for matrilocal residence that characterizes all Apachean groups can also be found among some of the Northern Athabascan tribes.

As in the previous period, Navajo social patterns must be reconstructed largely from legendary material. Such reconstruction is made doubly difficult by the impossibility of dating Navajo myths, which seem to have grown by accretion. They include references to horses, sheepherding, and silversmithing—all innovations brought into the region by the Spaniards. Spencer, who has made a special study of the reflection of Navajo social life in the origin myths, believes that the tribal economy at this period consisted of hunting and gathering, with partial dependence on agriculture as a result of Pueblo contact (1947:27).

The myths are significant not only for the light they throw on prehistoric Navajo culture but also because of their active influence on modern Navajo thought. Present-day Navajos frequently turn to the myths for explanations of current customs and values. Just as members of a literate society use documents to re-create the past, so Navajos cite mythological events as tribal history.

Navajo myths describe the origin of the four clans. Alien groups, met during the tribe's early wanderings, were incorporated as new clans. Many existing Navajo clans bear the names of localities, nicknames, or the titles of Pueblo, Ute, Sioux, Tonto, and other foreign tribes (Reichard 1928:13). Some Navajo and Western Apache clans have identical names (Kaut 1957:14).

In the myths, four chiefs were appointed by Changing Woman after the People emerged from the Lower to the Upper World. A chief was assigned to

each cardinal point, with the Chief of the East having priority. They organized the world, held a council, established clans. They gave the People directions for building hogans, for farming and irrigation, and for hunting, and summoned them to work. In one legend a sister's son succeeded to the chieftainship, a practice which reflects the present matrilineal bias. In another version, the mother-in-law of First Man is called "woman chief" and assumes leadership of the women after the separation of the sexes. The independence of women is reflected in the role of Changing Woman: "No, Estsanatlehi is under the power of none; we cannot make promises for her, she must speak for herself; she is her own mistress" (Matthews 1897:127). War activities are mirrored in the legend of the War on Taos, which mentions "war seats and peace seats" (Matthews 1897:127). However, Spencer is of the opinion that the myths do not make a clear distinction between war leaders and peace leaders (1947:78). Evidences of democracy appear in the descriptions of the Council, which at times was summoned by chiefs, but at other times was held by the People among themselves (Franciscan Fathers 1929:422) (Haile 1938) (Spencer 1947:73) (Matthews 1897).

Legendary material indicates a more formalized pattern of leadership than we have postulated for the migratory hunting and gathering bands of the Apacheans. This may be a reflection of Pueblo contact or of the absorption of Pueblo mythology, or it may show a structural change in Navajo society resulting from the adoption of agriculture, with a more settled residence pattern, closer cooperation within groups, and stronger leadership.

THE HISTORIC PERIOD OF EARLY WHITE CONTACT, 1626 TO 1846

The Spaniards penetrated the Southwest in 1539, but not until 1626 is the first mention made of "Apaches of Nabahu." Between 1626 and 1846, when the Americans conquered New Mexico, political authority over the white colonists of New Mexico and Arizona shifted from Spain, to Mexico, to the United States. This span of 220 years marks the development of the basic social, economic, political, and cultural patterns of the traditional Navajo way of life, differentiating it from that of the Western Apaches. Techniques of horse-riding, sheepherding, and weaving were added to agricultural skills. Raiding patterns were intensified. The Navajo population increased and spread westward from northeastern New Mexico into Arizona. The acquisition of livestock, of paramount importance to Navajo society, Spicer characterizes as a "reorientation of Navajo culture about a new focus" (1954:675). Kimball and Provinse summarize the effects as follows:

The acquisition of the horse and sheep produced repercussions in Navajo economy which were far-reaching. It not only provided a more certain and larger food supply but . . . livestock also played a part in the scattering of Navajo family groups over a wide area. The horse made possible the transport of foods from great distances to a central camp and permitted more frequent intercourse between dispersed family groups. . . . Seasonal movements for forage . . . led to the settlement of unoccupied areas (1942:19).

Navajos are first mentioned historically in the *Relaciones* of Zarate-Salmeron in 1626. The Indians of Jemez gave him directions for finding the "nation of the Apache Indians of Nabahu," whose territory lay between the Chama and the San Juan Rivers (Amsden 1949:127). In 1629 Fray Alonso de Benavides visited near the "magnificent province and tribe of the Navaho Apaches," whose "innumerable" population he estimated at the fanciful figure of 200,000, with 30,000 warriors. He immediately made plans for the conversion of the tribe, but the mission had to be abandoned after a year (1945:85).

Following the Pueblo revolt of 1680, many Pueblo people fled to the Navajo territory. According to archeological evidence, Navajos and Puebloans lived in close proximity, in some places within one defensive wall, between 1723 and 1764. This must have been a period of intensive acculturation or transculturation. The end of the 1700's probably marked the separation of the two peoples (Underhill 1956:56).

By 1785 Navajos were migrating westward, as indicated in the historical record. Recently, a tree-ring date for a Navajo hogan of A.D. 1622 was found near Piñon, showing that some members of the tribe had moved as far west as the Hopi villages more than a century earlier. Spanish frontier officials informed Governor Mendieta "that the Navajo nation has 700 families more or less with 4 or 5 persons to each one in its five divisions of San Matheo, Zebolleta or Canon, Chusca, Hozo, Chelli with its thousand men of arms" (Amsden 1949:131). This description of five divisions in five places suggests the existence of local groups in a population totaling some 3,500.

Slavery was widespread. Indians raided other Indian tribes for captives whom they either traded off or kept to work for themselves. Although slavery was forbidden by Spanish royal decree, the colonists were eager for slave labor. Navajos bartered captives for horses at the annual Taos Fair. Spaniards, in turn, enslaved Navajos; in 1846, an estimated 2,000 to 4,500 Navajos were being held as slaves (Underhill 1956:79-80).

In a second attempt to Christianize Navajos on a large scale, Padres Delgado and Irigoyen claimed in 1744 to have "reduced and converted" 5,000 Indians. In Cebolleta they established a mission for 500 Navajo-Apaches. This effort failed. The reply of the spokesman for the defecting Navajos, made during the course of an investigation by Padre Trigo, sheds light on the persisting Navajo values:

They [the Indians of Cebolleta] replied that they did not want pueblos now, nor did they desire to become Christians, nor had they ever asked for the fathers; and that what they had all said in the beginning to the Reverend Commissary, Fray Miguel Menchero in 1746 was that they were grown up, and could not become Christians or stay in one place because they had been raised like deer, that they would give some of their children who were born to have water thrown upon them and that these as believers, might perhaps build pueblos and have a father, but that now they did not desire either fathers or pueblos; that they would be, as always, friends and comrades of the Spaniards, and that if the father wished to remain there they would do him no harm, but that they could not be Christians (Kelly, H. 1941:64-65).

The Navajos said they had no complaint against Father Vermejo except that he was so poor he could give them nothing; they had brought their children to be baptized because originally they were rewarded with gifts of hoes and picks (Kelly, H. 1941:65).

In summarizing Spanish policy toward Navajos, we can say that it had two principal aims—to pacify the Indians and to Christianize them. Efforts to win over the Navajos included the giving of gifts, the making of treaties, and the selection of Navajo "chiefs" to be dignified with the title of "general" of the Spanish Army. None of these policies succeeded in arresting Navajo depredations. Raids and punitive expeditions alternated with negotiated peace treaties.

The Mexican Period from 1824 to 1846 saw a weakening of the authority and military strength of the New Mexican colonists. As a result, Navajos increased their raiding and New Mexican ranchers retaliated in vigilante fashion.

THE EARLY AMERICAN PERIOD, 1846 TO 1864

In 1846, New Mexican officials surrendered to General Kearny without resistance. Navajos celebrated the change in government by stealing several head of cattle from the General's beef herd. Kearny then ordered Colonel Doniphan to undertake a series of expeditions against the Navajos, and the classic raiding-retaliation pattern continued off and on for the next fifteen years. Captain John T. Hughes, who accompanied Captain Reid into the Chuska Mountains to persuade the Navajo leaders to come to Zuni for the purpose of concluding a peace treaty with Doniphan, gives an account of feasts, dances, and a strategy conference held by Navajo leaders. The upshot of the expedition was that fourteen "chiefs of the Navajo nation of Indians" signed a peace treaty with the United States (Hughes 1907:292, 307). The treaty, of course, was violated in due time.

Much the same general pattern of relations continued between Navajos and Americans as had obtained under the Spaniards. Some Navajos were building up large herds of sheep, which contributed further to the economic and ideological differences between "ricos" and "pobres," or between the "peace" and the "war" factions. Only one Navajo leader, Sandoval, and his followers from Cebolleta were won over to permanent alliance with the Americans, an act that earned them the epithet "Enemy Navajo" among fellow tribesmen.

Navajo "chiefs" either could not, or would not attempt to, enforce the treaties to which they had set their mark, and the Americans retaliated with a series of military expeditions into Navajo territory purposely to overawe the recalcitrants. In 1852 the Americans advanced a step beyond the Spaniards in establishing a fort (Fort Defiance) within Navajo territory. A much stronger authority lay behind the United States Army than had behind the Spanish, a fact of which the Navajos were completely unaware. In 1860, for example, they attacked the Fort with an army of several thousand, but were routed by a single but unexpected cannon shot.

The American Civil War required the peaceful transport of gold from California to the Union Army in the East, forcing the adoption of a new Federal

strategy toward the Southwest Indians. Colonel Kit Carson, the famous scout, was assigned to round up the Navajos and remove them to Fort Sumner, on the Pecos River, where they would be made into peaceful farmers. With the aid of Utes, Hopis, and Zunis, and United States Army troops, he pursued a ruthless scorched-earth policy, destroying crops and seizing sheep. After two years of guerrilla warfare, he forced the surrender of some 8,500 Navajos. The "Long Walk" to Fort Sumner began. Even though perhaps as many as 3,000 Navajos were able to hide out in remote canyons and thus elude the captors (a famous example is Hoskinini of Monument Valley), Kit Carson effected the conquest of the tribe. Once and for all, Navajo traditional war patterns were destroyed, and the ultimate authority of the United States Government was imposed upon the People.

THE PERIOD OF CONQUEST AND REMOVAL TO FORT SUMNER

The surrender of the Navajos in 1863 and 1864 marked an end to their war-like way of life. It was an end of raiding, an end of selective borrowing. Navajos were a conquered people.

Government plans to turn Navajos into peaceful, village-dwelling, Christian farmers did not succeed for a variety of reasons. Nearly 8,500 Navajos and 400 Mescalero Apaches were confined to 40 square miles of poor land, known as Bosque Redondo. Navajo attempts at agriculture yielded only one-fifth of the crops necessary for subsistence. Comanches raided their sheep; Navajos quarreled with Mescaleros; the Indian Agent feuded with the War Department, refusing to help care for "prisoners of war." Wholesalers cheated the Government on Indian supplies; local settlers objected to the permanent occupation of Pecos land by "savages." Above all, Navajos did not choose to become farmers under such circumstances. In the fourth year of their stay at Bosque Redondo they refused to plant any crops at all.

General Carleton and others who had hoped to discover rich mineral deposits on the lands vacated by Navajos were disappointed (Reeve 1937:250). The cost of feeding large numbers of people at Government expense was, as always, unpopular. Finally, the United States decided to negotiate a treaty that would permit Navajos to return to their old territory, delimited as a Reservation.

In 1868 General W. T. Sherman signed a treaty with twelve Navajo leaders. The United States agreed to establish a Reservation and to erect an agency building, a warehouse, a carpenter- and blacksmith-shop, a schoolhouse, and a chapel. A family head or a single adult who wished to farm would be allowed to select 160- and 80-acre plots, respectively, to be retained as long as he chose to cultivate the acreage. The Government agreed to issue certain articles and sums of money for ten years and to purchase 15,000 sheep and goats, 500 beef cattle, and a million pounds of corn for distribution. The tribe agreed to relinquish all right to occupy land outside the Reservation but were to retain the right to hunt on unoccupied lands contiguous to the Reservation. They promised not to oppose the construction of a railroad, not at attack travelers,

not to capture women or children, and not to kill or scalp white men. The penalty for leaving the Reservation was to forfeit all rights guaranteed in the Treaty. The Indians pledged they would compel their children between the ages of six and sixteen to go to school; the Government pledged it would provide a schoolhouse and a teacher "for every thirty children between six and sixteen who can be compelled or induced to attend school. . . . The provisions of this article to continue for not less than ten years" (Underhill 1953:176-81).

At this moment, the Navajos constituted a tribe, politically as well as culturally. The power of the leaders was stronger than ever before, because of a consensus of opinion—the desire to return at all cost to the old land—which gave the leaders full authority to negotiate for their people. There was no longer a cleavage between "ricos" and "pobres." Even the war chiefs realized that further resistance was futile. In 1868, at least the majority of Navajo Indians were a united people.

RESERVATION AND REBUILDING, 1868 TO 1900

The period from 1868 to 1900 was primarily one of recovery. Navajos were rebuilding their shattered economy, increasing in numbers, spreading far beyond the $3\frac{1}{2}$ million acres of Reservation land, which represented only a fraction of their old territory. Except for raiding, the old social patterns were re-established. The culture contact picture, however, had changed. Navajos were now living on a reservation, subject to the final authority of the United States Government, white settlers were moving into areas bordering the Reservation. The nearly complete isolation of old Navajo life was over.

The principal activity of the Government Agent was to issue rations as specified in the Treaty. He encouraged agriculture by the distribution of seeds, although he made no attempt to assign land to individuals. Drought, grasshoppers, and frost, in addition to old value patterns, conspired to prevent Navajos from turning rapidly into a farming people. The Government actively encouraged them to resume sheepherding. Fifteen months after the return from Fort Sumner, 14,000 sheep and 1,000 goats were distributed, nearly two animals for every man, woman, and child who appeared for the rations. In 1872, 10,000 more sheep were issued. When the ration distributions came to an end in 1878, Navajo Agents undertook to market Navajo wool and to construct irrigation works. The building of the railroad in 1881 brought tools, cloth, wagons, pumps, windmills, and wage work to the Indians.

A Government store replaced the Army sutler's store at Fort Defiance. The first trader came on the Reservation in 1869 or 1870. By 1890 nine traders were operating under revocable Government licenses on the Reservation, with thirty more on the periphery. In 1886 a ceiling was set on trading profits of 25 percent plus freight charges (Underhill 1956:182). Indian trading, which mostly took the form of barter and credit advanced on future sales of wool, pelts, and rugs, involved high risks. However, some successful traders grossed from \$4,000 to \$10,000 in one year, making a two-way profit on buying and selling (Reeve 1943:40-43). Indian traders stimulated Navajo crafts of silver-

smithing and rug-weaving, and little by little tied the Indians into the wider market economy of the country. Even today the trader is the principal white contact for all Navajos living on the Reservation.

The Navajo land problem dates from the establishment of the Reservation; to the original $3\frac{1}{2}$ million acres, a total of 8 million acres were added by Executive Order in 1878, 1880, 1882, 1884, and 1886. The Homestead Act of 1875 permitted Indians to occupy public land, but since Navajos did not understand problems of title and improvement, they lost much "homesteaded" land to their more sophisticated white neighbors. In order to induce companies to build railroads, the Government had offered alternate sections of 640 acres in a 40-mile-wide strip on each side of the projected line. This took away some of the Navajos' best grazing land and created the "checkerboard problem" that plagues the Navajo Tribal Council today.

Problems facing the Federal Government, the Navajo Agents, and the "administered" Navajos were numerous. The chain of command failed to work smoothly because of differences of policy and difficulties of communication. Until the construction of the railroad, a letter took many weeks to reach Washington from Fort Defiance. Post-Civil-War Congresses failed to vote the appropriations promised in the various treaties, or they adopted policies favoring the hostile tribes, in order to pacify them, rather than the peaceful Indians. Changes of administration brought changes of policy and too frequent shifts of personnel. Graft, especially in the business of Indian supplies, was monstrous. Indian Agents were appointed for political reasons, the posts being sought despite poor pay and heavy responsibility. Between 1869 and 1900 the Navajo alone had fifteen different Agents.

To combat graft, President Grant appointed a Board of Indian Commissioners in 1869 to inspect records, visit reservations, and approve supply contracts. But the distant Navajos were not visited. The "face" of Washington to them was an Agent, his clerk, an interpreter, and from time to time a school teacher. At the suggestion of the Quakers, the President asked the church denomination which had first established a mission on a reservation to propose the Agent, thus allocating spheres of religious influence. Navajos fell under the jurisdiction of the Presbyterians. Some churchly Agents were well liked because "They behaved like relatives; they talked it over with us." Others were detested—for example, the overly zealous opponent of liquor, Sunday labor, and "Squaw Men," whom the Indians nicknamed "Tarantula" (Underhill 1956:169, 170).

The treaty promise of one teacher for every thirty children was utopian. Navajos saw no need for schooling when children made such good sheepherders. Attendance at the first government school, established at Fort Defiance in 1869, varied from 3 to 33 and the school was abandoned as useless in 1872. It was later re-established, but in 1879 there were only 11 pupils. In 1880 the first boarding school was built. Compulsory education became the accepted policy in 1887, and Navajo children were virtually kidnapped and sent to the Indian schools at Fort Lewis, Colorado, from which many escaped and tried to walk

home. Some of the rare instances of armed resistance after Fort Sumner were provoked by the Federal effort to educate Navajo children. And despite all efforts, by 1892, only 75 children out of a population of 16,000 were in school. Many Navajo parents believed that they should be recompensed for bringing their offspring to be educated (Underhill 1956:196-211).

Mormons were active on the Reservation soon after the Treaty was signed. In 1868 a Presbyterian missionary came to Fort Defiance and a school was opened with a missionary teacher. Catholics, Methodists, and Episcopalians established schools and a hospital on the Reservation before 1900 (Wilken 1955:16-21).

The early Navajo Agents needed some form of political organization for communication with the wide-ranging tribe, and so instituted the appointment of a headman or chief. Barboncito was the first "Head Chief;" one of his duties was to lecture the people who had assembled for the ration distributions at Fort Defiance on the value of peace and hard work. Manuelito was appointed Chief of the Eastern Side, and Ganado Mucho, Chief of the Western Side. Other local leaders sprang up to demand more rations for their own areas. In addition to these early "Agency Indian" chiefs, the old informal leaders, local headmen, wealthy stock-owners, ceremonial practitioners, and heads of large family groups constituted the *de facto* leadership of the localities.

1900 TO THE PRESENT

The economic recovery of the Navajos may be considered complete by 1900. Although a dangerous erosion cycle had been evident since 1880, Navajos continued to build up large flocks of sheep and goats and herds of horses and cattle. Numerous and uneconomic herds of horses carried high prestige value for the men. Some Navajo families preempted big sections of the choicest land, and once more "ricos" and "pobres" began to be distinguished within the otherwise equalitarian social structure. Wealthy sheep-owners developed a semi-feudal system whereby they used relatives to herd for them on shares (Underhill 1956:231). Government measures to facilitate economic betterment included improving the breed of sheep, sheep-dipping, and irrigation projects.

During this period, Federal Indian policy veered from *laissez-faire* to pressure for the liquidation of all Indian cultures. The Dawes Severalty Act of 1887 was designed to destroy the reservation system and tribal solidarity by allotting land to individual Indians. One Indian Commissioner even advocated forced haircuts as a civilizing influence. In 1902, Indian Agents went under Civil Service, and, possibly as a result, the turnover in Navajo Agents was reduced.

At about this time, groups of white settlers in Arizona and New Mexico were agitating for the dismemberment of the Navajo Reservation. Active in the fight to preserve Indian land was a Franciscan Father, Anselm Weber, who assisted individual Navajos to secure title to homesteads and to lease land from the railroads. He also led Navajo delegations to Washington to lobby for extensions to the Reservation (Weber, A. 1914) (Wilken 1955:199-206). Although the Reservation was extended eastward by Executive Order in 1907 and 1908, pressure from white ranchers persuaded Presidents Theodore

Roosevelt and William Howard Taft to revoke these orders in 1908 and 1911. Further extensions were made, however, and today the total area of land under Navajo jurisdiction comprises 14,779,223 acres of tribal land, 89,785 acres of trust allotment land, and 219,219 acres of privately owned Navajo land, a total of 15,088,227 acres (Young 1958:372).

Education progressed slowly. In 1903, 300 Navajos out of 23,000 were in school. Between 1900 and 1930, nine boarding schools were opened on the Reservation and children were studying in seven off the Reservation. Emphasis was on discipline, industrial work, and the compulsory learning of English. Mission schools were at Saint Michaels, Rehoboth, Ganado, and Farmington.

A hospital was built by the Episcopalians in 1897 and another by the Presbyterians in 1911. By 1933 there were eleven Government hospitals on or near the Reservation.

Citizenship was conferred on all Indians by an Act of Congress in 1924. The act provided that:

all non-citizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: PROVIDED, that the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property.

Two-thirds of the Indians were already citizens, previous Congressional Acts having granted citizenship to the holders of fee patents for allotted land (1887 to 1906), to honorably discharged servicemen from World War I, to members of the Five Civilized Tribes of Oklahoma, and to the Osage Indians (Young 1958:309). However, Indians were not permitted to vote in Arizona or New Mexico until 1948, when suits challenging denial of the franchise to "Indians not taxed" and "wards of the Federal Government" were won by individual Indians in both states (Peterson 1957:121).

Between 1901 and 1908, five Navajo Agencies were established, each with jurisdiction over the nearby district: the Southern Navajo at Fort Defiance, the Northern Navajo at San Juan (later Shiprock), the Western Navajo at Tuba City, an extension of Western Navajo at Leupp, the Eastern Navajo at Crownpoint, and a Hopi Agency (Underhill 1956:220).

The first moves toward Navajo self-government were made in this period. By 1903, a Court of Indian Offenses had been established; there were three Indian judges, and the Navajo Superintendent (a white man) presided. In 1921 oil was discovered near Shiprock. Understandably, the local Navajos wished to retain the revenue. To obviate this, the Government sponsored the election of an all-tribal council; this group signed oil leases in the name of the Navajo Tribe, thus establishing a right to consultative voice for the tribe in the granting of leases and the disposal of royalties (Haile 1954:2). Also in the 1920's, Agent John Hunter set up a formal organization, called a "Chapter," in the Leupp Superintendency. This idea spread to the other Agencies and the beginning of local government among Navajos was at hand.

The New Deal for Indians came with the Depression, the presidency of Franklin D. Roosevelt, and the appointment in 1933 of John Collier as Indian

Commissioner (he held the position until 1945). Collier's appointment marked a major change in Federal Indian policy. It reversed the trend toward the weakening of tribal solidarity and the termination of reservations; it halted some of the cruder policies of forced acculturation.

John Collier said in 1943:

I see the broad function of Indian policy and Indian administration to be the development of Indian democracy and equality within the framework of American and world democracy. . . . The most significant clue to achieving full Indian democracy within and as a part of American democracy, is the continued survival, through all historical change and disaster, of the Indian tribal group, both as a real entity and a legal entity (Fey and McNickle 1959:131).

This philosophy was embodied in the Indian Reorganization Act of 1934. Although incorporation under this Act was narrowly rejected by the Navajos in a plebiscite (7,608 votes in favor and 7,992 opposed), the Navajo Tribal Council was reorganized. An accelerated program of betterment, as Collier saw it, brought to the Reservation irrigation, soil conservation, the restoration of alienated Indian lands, the establishment of day schools with bilingual instruction, an impressive "Navajo Capital" at Window Rock, and a two-million-dollar annual payroll from public works.

Unfortunately for future Navajo-Government relations, the Collier program included drastic stock reduction. Overgrazing and consequent erosion had reached such a point that in 1930, the Government estimated that the Navajo range could support only about one-half of the number of sheep units. (A sheep unit is based on the amount of forage necessary to sustain one sheep over a year.) Paralleling the Roosevelt program of "Triple-A Plowed Under," a livestock reduction program was instituted, and between 1934 and 1940, Reservation livestock was decreased by one-half. Because of the Depression, Navajos were forced to dispose of their animals at very low prices.

The compulsory stock reduction program not only broke the back of the traditional economy but profoundly affected Navajo political attitudes. For the first time since the Conquest, an all-tribal resistance movement developed. Local Chapters became centers of agitation. Tribal Councilmen who voted for compliance were turned out of office at subsequent elections, and until 1947 the Council refused to establish an Executive Committee because such a committee in the 1930's had approved the grazing program. In retaliation the Federal Government withdrew support from the Chapters and manipulated the Navajo Tribal Council so that an appearance of democratic and legal acceptance of the stock reduction policy could be created. Stock reduction, more than any other issue, served to retard the institutionalization of a modern Indian government in Navajo society.

World War II affected many of the measures the Federal administrators had tried to achieve by law, by force, or by persuasion. Navajos were brought into direct contact with white American society; in the first place, nearly 3,600 of them served in the armed forces. Moreover, some 15,000 Navajo men and women left the Reservation to work in war plants or as migratory agricultural laborers. Such wartime innovations as allotments to wives and parents and

ration cards for sugar and coffee highlighted the need for official marriage and birth certificates, legal names, and other impedimenta of the white man's culture. Navajo soldiers and sailors and war workers found that an ability to speak English brought higher pay and promotion, and even the old people began to value education. But there were only 6,000 school seats for 22,000 children (Sanchez 1948:9).

Thirty Christian churches were operating on the Reservation by the end of the war. A new Christian-Indian cult, the Native American Church, which combines the use of peyote with Christian and Indian ritual, had spread south from the Utes, its acceptance being in part a reaction to the deprivation caused by stock reduction (Aberle 1956). An amalgam of the healing and religious arts, the peyote cult is considered "dangerous" and "non-Navajo" by traditionalists and Christians. But although it was outlawed by the Navajo Tribal Council in 1940, the cult nevertheless continues to spread, and it has become the focus for a strong anti-Tribal-Administration political organization. As we shall see, pressure for legalizing peyote worship in the interests of "freedom of religion" exploded into a major campaign issue during the 1959 tribal elections.

The end of World War II brought the curtailment of off-Reservation wage work, and with it an economic crisis. A survey made at this time estimated that out of a population of 70,000 the Reservation could only support 35,000 at a decent standard of living. In 1950, the United States Congress authorized the appropriation of 88 million dollars over a ten-year period for Navajo-Hopi rehabilitation. In the early 1950's, a program of Federal aid for relocating Indians in industrial centers, such as Los Angeles, the San Francisco Bay Area, Chicago, Cleveland, and Dallas was instituted.

Superintendents of the Navajo Agency—men such as Allan Harper, Walter Olson, Robert W. Young, and G. Warren Spaulding—and their staffs have worked tirelessly and often with little thanks to assist in the development of the Navajo Tribal Council, which, with the constitution of an Executive (Advisory) Committee, began to take hold. The right of the Council to hire a lawyer for the tribe, their gaining control of tribal funds (subject to the approval of the Secretary of the Interior) and their increasing authority, wealth, and experience have all helped to accelerate the institutionalization of modern self-government.

Another sudden reversal of Federal Indian policy followed the 1948 Hoover Report on Reorganization of the Executive Branch of the Government. The 1953 House Concurrent Resolution No. 108 states that:

it is declared to be the sense of Congress that, at the earliest possible time, all the Indian tribes and the individual members thereof . . . should be freed from federal supervision and control and from all disabilities and limitations specially applicable to Indians.

This is "termination policy" or "piecemeal withdrawal" as the Bureau of Indian Affairs rather euphemistically calls it. Whatever the ultimate wisdom or intent, a matter still angrily debated, this policy has stimulated the development of the Navajo Tribal Council, as the new organ of government is readied to take charge of tribal affairs.

CHAPTER III

The Setting

THE PHYSICAL ENVIRONMENT

OUR UNDERSTANDING of some of the main problems facing the Navajo Tribal Council and the U.S. Government in its relations with the tribe depends in part on a knowledge of the natural setting and natural resources of the Reservation. One key question is the number of people the Reservation can be expected to support if, and when, it is developed to maximum capacity by means of irrigation, the establishment of industries on tribal land or on the periphery, the development of tourist business, the control of grazing practices, and the exploitation of timber and mineral resources. Conditions of the natural setting also bear on the problem of whether to allot tribal land to individuals or to encourage the collective development of Reservation resources.

The following material is summarized from the report of Paul Phillips of the Navajo Agency.

The Navajo and Hopi Reservations together comprise 15,087,163 acres or 23,574 square miles on the Colorado Plateau, an area that straddles the divide separating the watershed of the San Juan and Little Colorado Rivers. Four principal regions can be distinguished: the flat alluvial valleys at elevations from 4,500 to 6,000 feet; upland plains between 5,500 and 7,000 feet; mesas at from 6,000 to 8,000 feet; and mountains from 7,500 to over 10,000 feet in altitude. Each of these regions is cut by canyons ranging from a few hundred to 2,000 feet in depth. Most of the area lies between 5,000 and 7,000 feet in altitude.

Three distinct climates are to be found within the Navajo Reservation: the cold humid climate of the heights; the steppe climate of the mesas and the high plains; and the comparatively warm desert, including the lower portions of the Chaco and Chinle Valleys and all of the southern, western, and northwestern parts of the Reservation. Eight percent of the area is classed as humid; 37 per cent as steppe; and 55 percent as desert. Temperatures in the humid zone average from 43 to 50 degrees, with a low of 4 degrees and a high of 80. The annual rainfall there is from 16 to 27 inches, and the growing season averages 95 days. The steppe zone has an annual temperature range from 45 to 50 degrees with a low of 10 degrees and a high of 88. Annual rainfall is from 12 to 16 inches, and the growing season averages 147 days. Finally, the desert-zone temperatures average 50 to 60 degrees, with a low of 11 degrees and a high of 110. Annual rainfall is between 7 and 11 inches, and the growing season averages 173 days.

The soils of the Navajo area may be divided into five classes, based on the criteria of available livestock forage, soil permeability and water-holding

capacity, zone of water retention, slope, erosion, alkali content, drainage, and type of vegetation. Eleven percent of the soils may be classified as excellent; 22 percent of the soils as good but more susceptible to erosion; 29 percent as fair; 23 percent as poor; and 15 percent as unproductive.

The soils of the humid areas are highly productive and are suitable to dry-farm agriculture. Such crops as small grains, alfalfa and sweet clover, corn, potatoes, turnips, carrots, cabbage, grasses for pasture, and hay grow readily. The steppe climate is of medium productivity, but because of the greater acreage involved this area exceeds the remainder of the Reservation in total yield from dry farming and flood-irrigated crops. The rest of the Reservation is unsuitable for the growing of farm crops.

NATURAL RESOURCES

Coniferous timber is adapted to the more humid areas at about 7,500 feet elevation, where it occupies 6 percent of the land.

Minerals include gold, silver, copper, and uranium-vanadium. Carmotite, a uranium-vanadium mineral, occurs in certain localities of the northeastern part of the Reservation, and bentonite, asphalt rock, building stone, clays, gypsum, lime and alum, peridot, garnet, and agatized wood are also present. There are two coal fields, one in Arizona and one in the New Mexico-Colorado region. Oil and gas have been developed in the Four Corners area (Young 1958:176-86).

The Productive Potential

This is a land of little rain; large areas are unproductive, and others are capable only of low productivity. In assessing land values, access to water is more important than acreage. About 44,500 acres are now under cultivation, and if the possible maximum expansion through irrigation were attained, an estimated 150,000 acres could be farmed. The wide differential in site values would make equitable allotment of land to individuals almost impossible.

Timber resources are extensive, and it is expected that they will continue to produce revenue and provide employment for more than 500 Navajos. The value of forest products was \$1,100,000 in 1958. Income from mineral resources, exclusive of gas and oil, was nearly \$800,000 on tribal land and over \$600,000 on allotted land. The return on vanadium-uranium deposits, however, tends to fluctuate according to the policy changes of the Atomic Energy Commission. Oil and gas, the greatest present resource of the tribe, yielded over \$29,000,000 in leases and royalties in 1958. The supply, however, is limited. According to the estimate of the tribal Mining Department, coal resources could be developed for cheap power that in turn would attract industry to the Reservation and provide employment for perhaps as many as 10,000 Navajos. The Reservation's principal attraction to industry at present is cheap, non-unionized labor, and land not subject to Federal taxation.

NAVAJO POPULATION

There were 523,591 Indians on tribal rolls in the United States as of 1960 (Young 1961:311). The largest tribe is that of the Navajos, who have presented

a difficult census task because of the semi-nomadic character of their herding economy, their scattered residence patterns, seasonal off-Reservation employment, their custom of freely changing names, and, until recently, the almost roadless expanse of the Reservation.

The Navajo population has shown a steady increase. In 1744 it was estimated at between 2,000 and 4,000 (Hill 1940b:395). In 1785, the report from an expedition sent by the Spanish to break up an alliance between Gila Apaches and the Navajos estimated the Navajos at 3,500 (Amsden 1949:131). The 1846 estimate was 7,000. In 1865, during the Navajo captivity at Fort Sumner, a count of 8,491 was made, and in 1868 the count at the first distribution of rations on the Reservation totaled 7,111. (Amsden believes that the decrease indicates that more than a thousand Navajos had escaped from Fort Sumner. Kluckhohn, in a personal communication, suggested that as many as 3,000 Navajos had avoided capture.) In 1869, 9,000 Navajos appeared for the sheep issue, and a decade later, the final year for ration distribution under the Treaty, 11,000 Navajos were counted. The Eleventh Census of 1890, generally regarded as inaccurate, gave the figure of 17,604. More recently, the 1930 Census totaled 42,000, and the 1950 Census 69,000 (Young 1958:318-20).

There is no official Navajo tribal roll, but figures from the U.S. Census Bureau, the U.S. Public Health Service, and the annual Navajo school census indicate that the population is increasing at the rate of 2.24 percent to 3.3 percent a year (Young 1961:321). The 1960 Census estimated the total Navajo population at 80,364, with 73,614 living on the Reservation and 6,750 living off the Reservation in adjacent areas. Approximately 45,663 Navajos live in Arizona; 32,670 in New Mexico, and 2,031 in Utah (Young 1961:311). The total *ethnic* population of the tribe was estimated at 88,000 to 90,000 in 1961 (Young 1961:325).

As for relative age and density, the population is on the whole youthful, 58 percent being under twenty years of age, as compared to 38.5 percent for the United States as a whole (Young 1961:325). Figures on density can only be approximations. In 1940, the Government estimated a density of 2.1 per square mile (Kluckhohn and Leighton 1948:18); in 1950 the total Reservation density was 2.4; density for the Arizona part of the Reservation was 1.9, and for New Mexico, 3.7. We can estimate that in 1958, Reservation density had risen to 3.2 persons per square mile (Young 1958:322-25).

NAVAJO ECONOMY

There have been several stages in the development of the Navajo tribal economy. Navajos probably entered the Southwest, as we have said, as a hunting-and-gathering people. A simple technology of dry and flood-water farming was apparently adopted from the Pueblos. When sheep were acquired from the Spaniards, Navajo economy was re-oriented to herding, and the scattered residence patterns and seasonal movements in search of forage began. As we have seen, the attempt to transform Navajos into farmers at Bosque Redondo failed. With the establishment of a Reservation, and owing to the en-

couragement of the Federal Government, sheepherding again became the principal source of income. Dry farming and small-scale irrigation did not raise agriculture above the subsistence level. Rug-weaving, silversmithing, and some wage work brought the Navajos into contact with the general American market.

Sheepherding

The report from the Spanish expedition mentioned above estimated in 1785 that the Navajos possessed 500 horses, 600 mares, 700 black ewes, and 40 cows and their bulls and calves. In 1850, Assistant U.S. Marshals reported that in four years over 450,000 sheep, 12,000 mules, 7,000 horses, and 31,000 cattle had been stolen by Indians in New Mexico. Navajos were not the only Indian raiders at this time, but in all certainty many of these stolen animals found their way into Navajo camps (Amsden 1949:131-32, 156).

Navajos brought back from Fort Sumner a thousand horses and a thousand sheep. In 1869, the Government issued them 14,000 sheep and 1,000 goats, and another 10,000 sheep were distributed in 1872. By 1880, Navajo flocks were estimated at 700,000. In 1897, the tribe had over 100,000 horses, a single herd of 100 horses being considered of moderate size. In 1899, sheep numbered one million; goats, 250,000; horses, 100,500. These figures are from annual reports of the Navajo Agents (Underhill 1956:163, 194, 215).

As we have seen, the cycle of erosion that began in the 1880's was aggravated by the overgrazing of the range. Not only did the quality and quantity of Navajo wool deteriorate when sheep could no longer find good pastures, but the destruction of the ground cover caused excessive silt to drain into the Colorado River, with the result that in the 1930's Boulder Dam was threatened. By 1933, there were 1,053,500 sheep units on a range that it was calculated could properly support only 560,000 sheep units. The drastic stock reduction program carried out between 1934 and 1940 cut the herds from 1,111,589 sheep units to 621,584. Stock reduction was carried out by stages. An initial across-the-board reduction, regardless of the size of the flock, was made; the Reservation was then divided into 18 Land Management Districts, and the maximum permissible size of flock for an individual owner was set. After 1942, the buying up of permits was allowed, and some individuals and families began again to build up large herds. A "freeze" order in 1948 suspended the punitive provisions of the Special Grazing Act, and since then the Navajo Tribal Council, with the approval of the Secretary of the Interior, has assumed responsibility for grazing regulations. The "freeze order" has several times been extended by the Secretary of the Interior. In 1957, the Reservation carried 527,989 sheep units as against a recommended carrying capacity of 512,922 units. The distribution of the livestock today is uneven: there has been a steady increase in the overstocking of certain districts in the last eight years, as well as a steady increase in the overall number of overstocked districts (Spicer 1952:189) (Young 1958:68-73, 280).

The effect of Government regulation of livestock can be seen when one notes that since the program has been relaxed, the total income from stock-

raising has almost doubled (income in 1940 was \$1,762,329; in 1956 it reached \$3,355,211). However, sheepherding plays a far smaller role in the total Navajo economy today than it did in the 1930's and 1940's. Together with agriculture, in 1936 it represented 54 percent of the total Navajo income, and in 1940, 58 percent. But in 1958 it had fallen to 9.9 percent of the total Navajo income (Young:1958: 102, 103, 107, 280, 378).

Agriculture

According to the testimony of Spanish soldiers in the Rabal Documents of 1744, the Navajo Indians raised corn, beans, squash, and melons by dry and flood-water farming (Hill 1940:400). Today, as in the past, agriculture is primarily directed toward consumption, rather than sale. Income from agriculture in 1940 was \$470,294, and in 1956 it was \$596,000; however, the value of agricultural and livestock products consumed in the home was \$702,620 in 1940, and \$1,702,107 in 1956 (Young 1958:378).

Water has persistently proved the most important factor affecting Navajo agriculture. Captain Bennett, the Navajo Agent in 1881, estimated that only about 2,000 acres could be cultivated owing to the lack of water. The Government did construct small dams at Fort Defiance, Washington Pass, and the Chinle Valley, but after two or three years they were washed out by flash floods. One enterprising Navajo built a dam near Fruitland in the 1890's and brought 200 acres under irrigation. In 1906, the Hogback Ditch was dug by the Government near the San Juan River. Out of 50,000 acres under cultivation in 1940, nearly half were irrigated, and on this land beans, wheat, oats, and alfalfa were raised. The average yield per acre on Navajo irrigated land at the time was only \$20, as compared to \$100 per acre for the land of nearby white farmers (Kluckhohn and Leighton 1948:20-22).

Some 67 irrigation projects have been completed over the years, and the total number of irrigated acres in 1958 reached 30,000 (Young 1958:60, 61). Sasaki and Adair have described the project at Fruitland, where 1,000 Navajos, comprising 191 households, were settled on 2,500 acres along the San Juan River. Although some tracts were as large as 33 acres, 52 percent of the tracts were of 10 acres or less. Navajo yield is less than that of neighboring white farmers for a variety of reasons—lack of knowledge of crop rotation and the use of fertilizers, lax control of insects, dependence on children for care of the fields, insufficient cooperation among water users. The custom of making extended visits to relatives and frequent attendance at distant ceremonials tend to retard the Navajo's adaptation to intensive cultivation. Fruitland farmers have found off-Reservation wage work to be more remunerative than farming, with the result that farming has become a secondary occupation for many Fruitland residents (Sasaki and Adair 1952:100) (Sasaki 1960:98).

The planned Navajo Dam and Reservoir will support an estimated 1,200 Navajo families on farms ranging in size from 90 to 105 acres. Larger acreage and careful training in farming methods through agricultural extension courses may resolve some of the difficulties that developed in the Fruitland project (Young 1958:60-63).

Arts and Crafts

Weaving is the oldest Navajo craft that produces for the market; reports of Navajo weaving were made by Spaniards as early as 1780. In 1799, Don José Cortez, an officer of the Spanish Royal Engineers, wrote that Navajos were exchanging their surplus blankets for goods and implements. In 1811, Pedro Pino, who went to Spain as a delegate from New Mexico to the Spanish Parliament, wrote that Navajo woolen fabrics "are the most valuable in our province, and Sonora and Chihuahua as well" (Amsden 1949:130-33).

After the Conquest, Navajo Agents, followed by Indian traders, encouraged the weaving of rugs and blankets for the market. From the reports of Navajo Agents we learn that in 1880, 100,000 pounds of wool went into blankets and clothes. In 1882, demands for Navajo blankets increased, owing in part to the coming of the railroad to the Southwest. In 1887, Navajo blankets sold for from one dollar to one hundred dollars depending on quality and size. A \$100 rug took from two to three months to weave. In 1890, the Agent estimated that \$40,000 worth of rugs and blankets were sold; in 1899, the figure reached \$50,000. By 1913, sales had risen to \$500,000 and ten years later they reached \$750,000. At this time approximately 5,500 weavers were at work. In 1931, sales from weaving amounted to one million dollars, an increase of twenty-five times over the 1890 estimate. Much of this development was due to the efforts of traders, who made a three-way profit: a percentage on the goods exchanged for the blanket, a profit on certain commercial articles, such as dye, cotton twine for warp, and spun yarn sold to the weaver, and finally a profit on the sale of the blanket (Amsden 1949:179-82).

Oddly enough, although Navajo weaving is widely known throughout the country and among other Indian tribes, it does not play a notable part in the Navajo economy. In 1936, Navajo arts and crafts together accounted for 6 percent of the tribe's total income; in 1940, 9 per cent; and in 1958, only 1.3 per cent (Young 1958:102, 107). This may be explained by the low hourly wage that a rug represents to the woman weaver. In the 1930's, a trader in Shiprock experimented by hiring a weaver full time. He paid the weaver at twenty cents an hour, and spent \$40.80 for a rug that was appraised at a fair market value of \$12.00. Thus weavers were in fact working for five cents an hour. Amsden characterizes the trade as "marginal" and "precarious," and as one which has varied inversely with economic conditions—the better the conditions, the less the women weave (Amsden 1949:235, 236). My own information confirms this. A trader in Shiprock told me that as of 1955, rug-weaving had declined because of the availability of wage labor. "Women weave only when no money is coming in." Another trader estimated that the hourly return in 1956 was ten cents.

Silversmithing, the second most important Navajo craft, was learned from the Spaniards of the Upper Rio Grande. The first silversmith, Atsidi Sani or Herrero, learned iron-working from a Spaniard before Fort Sumner; afterwards, he learned silver work and taught his four sons. In early times, some silver jewelry was traded to other Indians. Lorenzo Hubbell, the trader,

brought a Mexican to Ganado to teach the craft to Navajos, while he furnished the materials, at first American dollars, and later Mexican pesos.

Silver jewelry plays an important part in the Navajo economy since it has traditionally served as the source of credit. Jewelry is pawned against a future wool crop or check. Adair, writing in the 1940's, said that silversmithing was carried on as a commercial enterprise only on the southeastern side of the Reservation; some traders had as many as 120 smiths working for them, and the wholesaling was done through Gallup. Of the 600 smiths then at work, about 14 percent were professionals. In 1936, Navajo silversmiths were said to have received \$49,360 (as compared to \$288,340 paid to Navajo weavers), but this figure is probably too conservative; in Adair's opinion income from silversmithing was close to \$100,000 (Adair 1946:108-17) (Kluckhohn and Leighton 1948:23).

No comparable study of Navajo silversmithing exists for the present day, but the figure of 1.3 percent for all arts and crafts indicates that like weaving, silversmithing is declining. It is a luxury craft, and Navajo smiths have suffered from competition with manufacturers who mass produce Indian-type jewelry from cheaper materials.

Wage Work

Looked at historically, Navajo wage work falls into four periods. (1) Soon after the establishment of the Reservation, the railroad builders, the Government, traders, and missionaries offered limited wage work to the Navajos. (2) The depression and the New Deal brought an annual payroll to the Reservation of \$2 million from Government work projects, P.W.A., C.C.C., and Soil Conservation Service. (3) During World War II the labor shortage created off-Reservation work in war plants and on farms in temporary jobs. (4) Since the war there has been seasonal work on the railroads and migratory labor on farms, permanent off-Reservation work secured through the State Employment Services or through the Government Relocation Services, and tribal wage work, which takes the form of salaries for elected officials, wages for permanent tribal employees, and wages from the Public Works Program.

In the past thirty years there has been a great increase in the relative importance of wage work as a form of Navajo income, an increase in off-Reservation work, and an increase in the per capita income of Navajos. As the table on p. 26 shows, in 1936, wages yielded 34 percent of the total Navajo earned income; in 1940, 30 percent; and in 1958, 63.2 percent. In 1958, 44 percent of all wage work came from within the Navajo area, including the Reservation, the checkerboard allotted area, the Gallup Area Office, and the Bordertown Dormitories (Government dormitories for Navajos in State schools). Off-Reservation jobs contributed 56 percent of all wage work. Railroad employment represented 30 percent of all earned income, and with the addition of Railroad Retirement Compensation, this type of work provided 30 percent of all Navajo income, earned and unearned.

The great dependence of Navajos on railroad employment has placed them

in a precarious position. In 1957, the decline in railroad work, owing to such possible causes as decrease in car loadings and the unionization and mechanization of maintenance work, threatened to decrease Navajo railroad income by 75 percent and total earned income by 23 percent (Young 1958:98-110).

Navajos are at present placed in off-Reservation work (with the exception of those finding employment through the relocation program of the United States Government) by the State Employment Services of Arizona and New Mexico. In 1957, 5,045 Navajo men and women were referred to employment in Arizona, 2,498 of them to non-agricultural jobs. In New Mexico, 3,537 Navajos were referred, 1,221 of them to non-agricultural jobs. Additional employment is secured through trade unions. Of the non-agricultural placements in Arizona in 1957, 19.3 percent were in mining, contract construction, and manufacturing; 34.2 percent were in Government jobs, and 11.3 percent were in trade. Thirty-three percent were employes in private households and short-duration services at low pay. There was, however, an increase over 1956 in manufacturing and trade placements, a move toward higher paid categories of work. Agricultural employment (which accounted for about half the placements in Arizona, and two-thirds in New Mexico) is mostly seasonal, averaging from six to twelve weeks. The average wage in 1957 was \$6.00 a day. There was an increase in agricultural work for Navajos in both New Mexico and Arizona in 1957 (Young 1958:100, 101).

The Government program for relocation of Navajos in such big industrial cities as Cincinnati, Cleveland, Chicago, St. Louis, Dallas, Denver, Los Angeles, San Jose, Oakland, and San Francisco, placed 2,940 Navajos between 1952 and 1958. Of this number, 2,282 or 77 percent were still at the point of relocation in 1958 (Young 1958:113).

Navajo Income

In 1958, the total Navajo income was almost nine times greater than it had been in 1940, and most of this rise reflected the increasing tendency to seek wage work, on or off the Reservation (see the table on p. 26); in the same period, the population increased by only 75 percent. Of the total income, 83.8 percent was earned, and 16.2 percent was derived from welfare and unemployment compensation.

Comparative statistics of per capita income at different periods are rendered less valuable by the failure to convert the figures into real income. However, such statistics do indicate a genuine increase, actual and relative. The Merriam Report in 1928 estimated the annual per capita Navajo income as ranging between \$31 and \$2,000 (1928:449). The 1936 Human Dependency Survey of the U.S. Government showed an average per capita income of \$143.49. In 1940, the estimated average per capita income was \$81.89; in 1958 it was \$467.

Comparing the average per capita income with other areas: for 1940 it was \$497 in Arizona; \$356 in New Mexico; \$81.89 for Navajos. In 1956, it was \$1,718 for Arizona; \$1,533 for New Mexico, and \$1,940 for the nation; in 1958, it was \$467 for Navajos. In a seventeen-year period, per capita income in-

I. ESTIMATED NAVAJO INCOME, 1936

Source	Amount	% Total
Livestock and agriculture	\$2,686,140	54
Arts and crafts	295,020	6
Wages	1,712,010	34
Miscellaneous	311,290	6
TOTAL	\$5,004,460	100

(Young 1958:107)

II. ESTIMATED NAVAJO INCOME, 1940

Source	Amount	% Total
Livestock and agriculture	\$2,357,590	58
Arts and crafts	348,300	9
Wages	1,195,200	30
Miscellaneous	126,440	3
TOTAL	\$4,027,530	100

ESTIMATED NAVAJO INCOME, 1958

Source	Amount	% Total
EARNED INCOME		
Payroll—Bureau of Indian Affairs	\$ 3,920,000	9.8
—U. S. Public Health	959,185	2.4
—Navajo Tribe	2,617,527	6.6
—Glen Canyon Dam	453,232	1.1
—Ordnance Depots	1,197,283	3.0
—Uranium Mills	692,800	1.7
—Reservation Mining	1,188,000	3.0
—Natural Gas Companies	321,300	0.8
Wages—Off-Reservation Agricultural Employment	1,342,120	3.4
—Off-Reservation non-Agricultural Employment	1,002,075	2.5
—Railroad Work	10,500,000	26.4
—Tribal Public Works Program	1,000,000	2.5
Sales—Arts and Crafts	500,000	1.3
Agriculture—Stockraising, sold and consumed	3,950,000	9.9
Mineral Leases on Allotted Lands	2,245,559	5.6
Miscellaneous	1,500,000	3.7
TOTAL ESTIMATED EARNED INCOME	\$33,389,081	83.8

ESTIMATED NAVAJO INCOME, 1958—*Continued*

Source	Amount	% Total
UNEARNED INCOME		
Social Security—Categorial Aid	2,567,018	6.4
All Other Welfare	943,058	2.4
Schoolchildren's Clothing	500,000	1.3
Tribal Scholarship Grants	180,000	0.5
Old Age—Survivor's Insurance	250,000	0.6
Railroad Retirement Compensation	2,000,000	5.0
TOTAL ESTIMATED UNEARNED INCOME	\$ 6,440,076	16.2
GRAND TOTAL ESTIMATED INCOME	\$39,829,157	100.0

(Excluded from the above estimates are figures representing the value of food, lodging, and medical and other services provided free of charge by the Federal Government. For example, on the basis of \$189 per pupil per school year as the cost of raw food alone served to about 17,500 Navajo children in boarding schools there is an indirect income of \$3,307,500.)

(Young 1958:102, 103)

creased 240 percent for Arizona, 330 percent for New Mexico, and 470 percent for Navajos. In 1940, Arizona per capita income was 6 times that of Navajos, and New Mexico per capita income was 4.5 times that of Navajos. In 1957, the disparity had been narrowed to 3.7 times for Arizona, and 3.4 times for New Mexico. On the basis of five members to a family, the average Navajo family income in 1957 was \$2,335 annually as compared with \$6,130 for the United States as a whole. Navajos are still among the lowest level income groups in the nation (Young 1958:107-8). Unfortunately, figures for distribution of income among Navajos are not available.

CHAPTER IV

Navajo Social Organization

IN THIS CHAPTER we shall examine the traditional patterns of Navajo social alignment, identify the active social groups and the principles on which they are organized, and describe their size, spatial distribution, function, and role structure, in order to complete the background against which the Navajo political system is developing. Many interesting and important questions concerning social organization are still unanswered; this may be due to rapid social change, faulty ethnological reporting, or confused analysis, but more likely it is explained by the extreme flexibility of Navajo social organization. Aberle, for example, has said he is convinced "that some of the apparent 'problems' involve issues of genuine flexibility, so that the ethnological reporting is not to be considered vague, but rather, an accurate reflection of variability" (1959:1). My own observations of Navajo social groupings, made during the course of my political inquiries, agree with Aberle's conclusion. Almost every type of family, residence pattern, inheritance pattern, and cooperating group can be observed today. Some confusion may arise from the fact that many of the generalizations in the literature refer to preferred patterns, whereas statistical treatment is necessary for discerning actual groupings and behavior.

A variety of social groups have been identified among Navajos: for example, biological, nuclear, or elementary family; extended family or family group; clan; linked; affiliated or grouped clans; local clan element; household or hogan unit; residence group, hogan cluster, or camp; outfit; cooperating group; resident lineage, or land-use community; greater community; tribe. In some cases, as we shall see, these are merely different names for the same item. Other names emphasize different principles of organization or criteria of identification, such as kinship, locality, function, or leadership.

THE NUCLEAR FAMILY

The nuclear, biological, or elementary family—that is, a family composed of a man, his wife, and their unmarried children—is typically present in Navajo society. This is the minimum subsistence unit, and involves co-residence, sexual privileges between husband and wife, a division of labor for economic purposes, and the socialization of the children. Interdependence among members of the household is constant and structurally inherent. In Navajo society the biological family tends to maintain its form despite death and divorce by means of remarriage and adoption (Adams 1958:64). Divorce is easy and frequent among Navajos. Yet according to a Government Survey made in 1936, of 1,958 nuclear families only 6 percent consisted of a woman and children alone, and 4 percent of a man and children alone. Aberle believes that an incomplete nuclear family (one lacking husband or wife) tends to at-

tach itself to an extended family because it is not a viable form in Navajo society (1961:190). In 1938, the median size of the nuclear family at Navajo Mountain was 7, and in Klagetoh, 5; in the 1950's, the median size for a family in Shonto was 5.68 (Collier, M. 1951) (Adams 1958:64).

The nuclear family may be synonymous with a single hogan unit or household, but frequently the household contains attached relatives who are unmarried or widowed. In fact, the household may show any combination of relatives except mother-in-law and son-in-law, who cannot live together because of a taboo, the breach of which induces blindness (Aberle 1959:15).

THE POLYGYNOUS FAMILY

A variant of the nuclear family in Navajo society is the polygynous family, consisting of a man, his wives, and their children. Marriage with two sisters, with a woman and her daughter by a previous marriage, or with a woman and her niece are the preferred forms of polygyny. Plural wives usually have separate hogans and may even live in separate camps. Rarely do two or more wives live in the same hogan, and then only if they are related. Clyde Kluckhohn found only one instance of this (Personal communication 1960). I found one at Navajo Mountain and one at Fort Defiance; one is recorded in the *Son of Old Man Hat* (Dyk 1938:16). The usual number of plural wives is two or (less often) three. Stephen estimated that in 1890, 30 percent of Navajo marriages were polygynous, but this figure is probably excessive (Aberle 1961:122). Out of 3,700 family units included in the 1936 Government Survey, only 5 percent were polygynous. Two out of 20 conjugal sets at Navajo Mountain, and 4 out of 33 sets at Klagetoh, were polygynous. Adams found 8 plural marriages out of 88 in Shonto in 1955 (1958:67). We can conclude that polygyny has shown a marked decline in this century, and that there is less polygyny among the younger Navajos today than among the older people (Aberle 1961:189).

The Authority Structure

Presumably the nuclear family and the polygynous family each has its own division of labor and structure of authority. Traditionally, the wife was in charge of work within the hogan, the preparation of meals, the care of the young children, the principal training of the daughters, sheepherding (which she might entrust to children), butchering the sheep, and weaving. The husband usually cared for the cattle and horses, did the main work of the farm, and represented the family to the outside world. Many of the family's activities, however, such as hauling wood and water and working in the fields at the time of harvesting and planting, might be shared by all the family members. Specialties such as ceremonial practice and silversmithing were usually men's work. A woman might be a Diviner, or, more rarely, a Singer. The father was also expected to teach his sons and to discipline his children. In extreme cases, the maternal or paternal grandparents or the maternal uncle might be called upon to aid in the discipline, depending mainly on whether or not they lived close by. The maternal uncle had certain privileges with and responsibilities

toward his nephews and nieces, particularly with respect to decisions regarding marriage (Aberle 1961:149).

Property Rights

Our understanding of Navajo ownership and the transmission of property is nearly as confused as in the case of social groupings. Again, this may reflect rapid change, faulty reporting, or Navajo flexibility, and again I am inclined to believe that these patterns are flexible. There are concepts of individual property and of family and communal property (Haile 1954). Individual property consists of the products of one's labor—primarily clothing and jewelry, and at one time bows and arrows and shields. Traditionally, these articles were destroyed when the owner died or were buried with him, and even today a corpse is often buried with pieces of choice jewelry. However, some ethnologists say that even in the old days, not all of a man's effects were buried with him.

Inheritance poses similar problems of conflicting data. One report states that a daughter inherits from her mother, a son from his father. However, this is not a hard and fast rule: I was shown a silver belt and medicine articles by a woman in her seventies who told me they had been left to her by her father. Van Valkenburgh says that a widow usually inherits all of her husband's property (1954:25), but this is contradicted by others. Reichard reports that property was traditionally divided among a man's mother, brothers, and sisters "to keep it in the clan" (1928:94). In Dyk's Navajo autobiographies, a man's matrilineal kin assembles to divide his property at his death (1938:279) (1947:168). Should a distant clansman hear of the death, he may come and claim a share. If the mother predeceases the father, the elder daughter inherits the property, but she is obligated to divide it with her siblings and her immediate clansmen (Van Valkenburgh 1954:25).

Sheep, goats, and horses are individually owned, with the qualification that the family retains a kind of right of eminent domain; that is, the owner is expected to contribute from his flock to the everyday needs of the family and to family ceremonials. Sometimes a man and wife herd jointly, but the flock is divided in case of divorce. A man may leave his sheep in his mother's or in his sister's flock even after marriage, and he never loses all rights or obligations in his family of birth.

Land is held under the principle of "use inheritance." Some anthropologists speak of individual "ownership," but land is much more likely to be used and "owned" by a family or larger group. Van Valkenburgh says that the family heir is usually a son who has taken part in the cultivation of the land. The original settler and his family, who cleared and cultivated the land, are considered to have prior rights as long as the land is in use, but if it is left fallow for any great length of time, anyone may preempt it (Van Valkenburgh 1954:23-24).

THE EXTENDED FAMILY

A larger social group is the "extended family," or what Kimball and Provinse label the "family group." Typically it includes at least two adult

generations, a husband, his wife or wives, unmarried children, married children and their spouses, and grandchildren. If the married children are daughters with their husbands, then the family is "matrilocal." If the married children are sons with their wives, then the family is "patrilocal." If it contains both married sons and daughters, it is "mixed."

The Residence Group

The "residence group," "hogan cluster," or "camp" usually consists of several nuclear families, each in its own hogan, living "within shouting distance of each other" (Kluckhohn and Leighton 1948). The terms emphasize the locality principle, and in some cases correspond to "extended family." Recent studies have shown the median number of members of residence groups in Navajo Mountain as 15, in Klagetoh, 10, and in Shonto, anywhere from 9 to 20 (in 80 percent of the groups).

The residence group is the maximum subsistence unit—the basic social group in Navajo economy. However, as Adams points out, the component households do not necessarily depend upon the group. Actual assistance may be demanded by any household in time of need, but it is expected that such assistance will be repaid. The group cooperates in herding and farming. In Shonto the group migrates as a unit; in Navajo Mountain and Klagetoh only part of the family may move for the purposes of herding; in Chinle, according to my own observations, only part of a residence group may move to the sheep camp.

Residence Rules

The preferred rule of residence for the extended family is matrilocal, with patrilocality as an alternate form; however, statistically there are many neolocal households. Aberle concludes that extended families tend to break up on the death of the parents; the younger-generation families then either live neolocally or establish themselves as heads of their own extended families. The 1936 Government Survey shows that 53 percent of the families are "biological" or "nuclear"; 32 percent are "matrilocal extended"; 5 percent are "patrilocal extended"; and 10 percent are "mixed." However, as Aberle points out, if individuals are considered, many more live matrilocally, since an extended family is about twice as large as a nuclear family. From this point of view, 36 percent of Navajo individuals would be living in nuclear families; 44 percent in matrilocal extended families; 7 percent in patrilocal extended families; and 13 percent in mixed extended families (Aberle 1961:187, 188).

Adams reports for Shonto that out of 100 families, 52 are matrilocal, 42 patrilocal, 3 neolocal. The direction of residence patterns is toward increasing matrilocality (Adams 1958:68). In 1938, the Navajo Mountain figures for extended families were 7 matrilocal and 6 patrilocal; the figures for Klagetoh were 19 matrilocal and 8 patrilocal (Collier, M. 1951:13, 46). Kluckhohn earlier estimated that 85 percent of the families in the western livestock-region were matrilocal (Kluckhohn and Leighton 1948:55).

Kluckhohn has offered some significant data on immigration and emigra-

tion for the Ramah group between 1890 and 1950. The original settlers in Ramah (after Fort Sumner) were polygynous families. Between 1890 and 1950 54 men, 14 women, and 4 children came into Ramah, while 52 men, 10 women, and 12 children went out of the area, marriage being the dominant factor in bringing about this movement. These figures indicate that men change residence more frequently than women (Kluckhohn 1956:367, 369).

Property Rights

Property rights in the extended family probably parallel those in individual families, except for ownership of land. Kluckhohn and Leighton say that in a matrilineal society land is really "owned" by the wife and children, and the husband is hardly more than a trustee for them (1948:59). However, there seem to be many exceptions to this. Reichard quotes conflicting opinions on the ownership of gardens, and concludes that:

Land is used not owned, therefore it cannot be disposed of. If a man dies, his survivors may continue to use the land as he has been doing; if there are no survivors or if they do not care to stay, the land is there and anyone else may use it (1928:93).

In Chinle, I asked an elderly couple what would become of their farm (actually the wife's farm since the husband had come from Fort Defiance) after their deaths. I was told that it would belong to the daughters who had lived on it and used it, rather than to the daughter in Sawmill and the son in Barstow. If these children wanted to live on the land, however, they probably could do so.

Role Relations

The roles of mother-in-law, father-in-law, and son-in-law doubtless receive sharper definition with co-residence. We have already mentioned the mother-in-law taboo, which according to Navajos is based on respect. There is evidence that the taboo is correlated with sexual proscription, for it grows weaker with age and is abrogated when a son-in-law sings over his mother-in-law, in which case they call each other "mother" and "son" (Aberle 1961:150). The role of father-in-law is an authoritarian one, according to Kimball and Provinse, since the corporate activities of the group are under his direction because of the greater experience and knowledge that comes with age (1942:22). From my observations in Chinle, if the father-in-law in an extended family is a man of some forcefulness and prestige, he takes the lead in directing joint activities. The son-in-law may build up his own prestige in the locality, and as he grows older will gradually acquire authority comparable to that of his father-in-law.

THE OUTFIT

Groups of wider scope than the extended family are more difficult to delimit. Kluckhohn describes the "outfit" as a group of relatives (larger than an extended family) who regularly cooperate for certain purposes, such as planting or harvesting, and for the giving of a major ceremonial. Unlike the extended family, the members of an outfit may be scattered over many square miles. The

test is the regularity and intensity of the reciprocities (economic and the like) involved (Kluckhohn and Leighton 1948:62-63).

Sasaki and Adair, on the basis of observations made over a five-year period of irrigated farming practices in Fruitland, also identify an "outfit":

A number of extended related families is often referred to as an "outfit." What unity it has is based primarily on common land-use rights, but there is also an organization, which, informal though it is, might be regarded as political. The collection of extended families usually recognizes some older man as ultimate authority in the case of disputes and as a spokesman for the whole group. . . . The strongest ties within an outfit are those between conjugal families constituting an extended family (1952:102).

If the members of the outfit live on lands that have unbroken continuity, then it is a "land-use community," which may occupy from 12,000 to 20,000 acres and include from 50 to 200 persons (Kluckhohn and Leighton 1948:63). The "land-use community" is the group identified by Kimball and Provinse, who applied the criteria of "land-use planning" in their definitions of social groupings. They describe the land-use community as being numerically larger and geographically more extensive than the family group. It is composed of a number of family groups and constitutes a contiguous unit in terms of area used by a particular community. It is integrated by occasional participation in community enterprises under one leader, and is identified with a specific area that includes range, farm land, and habitations. The occupants lay claim to the country as their own on the basis of ancestral settlement and present use. Cooperative community labor and leadership are exhibited in relation to range and water use, the development of farm land, the construction of dams and irrigation systems, and the presentation of a united front toward those who attempt to encroach on community rights. Prestige and responsibility rest in certain of the older members of the community. It is seldom that conditions operate to bring the members of the community into active cooperation, but the structure of leadership and latent potential for cooperative assistance always remains (Kimball and Provinse 1942:22-23).

Further complicating the picture of a social group larger than the extended family is the "cooperating group," which was identified by Collier at Klagetoh but was absent at Navajo Mountain. At Klagetoh there were 31 camps, with a mean of 19 members, that were self-sufficient for household needs, but for herding, farming, and ceremonials, several camps within a half-mile radius would regularly cooperate. The cooperating group is interrelated by marriage and by kin—one-third of the cooperating groups at Klagetoh came from one matri-lineage. It is a territorial unit, the constant core of the community. The cooperating group performs more activities and acts together more regularly than does the outfit, which is a looser organization. Any larger group, such as a "band" or "community," does not exist at Klagetoh (Collier, M. 1951).

For Shonto and neighboring areas, Navajos used the word "outfit" for "residence group." That was my impression at Chinle, too. "That outfit has moved," I was told. The group which most nearly corresponds to an "outfit" or

a "land-use community" at Shonto is what Adams calls a "resident lineage." These are descendants of a single household who usually occupy a large range area, a territory that was originally preempted by the ancestral family. The range is divided among member groups according to their needs. However, in Shonto the resident lineage does not exhibit any internal structure of authority or participate in regular common enterprises. This lack of functional, economic, or social significance may be attributed to the fact that Shonto is almost exclusively a herding area; the larger cooperating group may be representative of an agricultural, particularly an irrigated, area with heavy seasonal demands for manpower (Adams 1958:66-68).

We see in this type of grouping the extension of the "inherited use" principle. Large areas of land are shared out among constituent families related through a multiplicity of kinship, affinal, and territorial ties. A new type of leadership appears, more nearly approaching the band leader or headman. The territorial principle has become as important as the kinship principle and the leader has more authority in decision-making. Kluckhohn, Sasaki and Adair, and Kimball and Provinse in fact define this group in terms of the leadership and the leader's function in dealing with outside communities.

THE LOCAL GROUP

"Local group," "community," and "band" are all variants on the locality principle. Kluckhohn is of the opinion that bands or local groups were once widespread among Navajos, since many of the clans bear the names of localities. Bands, in the sense of localized groups that cut across kinship lines and come under the direction of a single leader, seem to have existed in the past. Sandoval's followers, the "Enemy Navajo," probably formed a band.

Aberle says that the existence of a community among Navajos has been denied by some authorities. Communities exist today, he says, but they may be the result of modern developments; yet Hill believes there were local groups of from 60 to 200 headed by a leader (Aberle 1961:106, 107). Early historical records mention different leaders for different areas, some of whom, such as Narbona, were apparently not war leaders (Hughes 1907:294) (Underhill 1956:90). Twelve peace leaders and twelve war leaders, who had very distinct spheres of authority in the tribe as a whole, are reported (Reichard 1928:109), but this appears to be a reflection of the myths or "ideal patterns with a strong element of retrospective falsification" (Kluckhohn and Leighton 1948:73). Hill says, summarized, that the fundamental political entity of the Navajo is the natural community. This unit is an economic one, geographically determined and distinct, since in the Navajo territory the natural resources necessary for subsistence occur at scattered locations. The local group is usually defined by natural barriers (Hill 1954:14).

At the present time, an area that is isolated from other Navajo areas—for example, Navajo Mountain, Ramah, Puerto Cito, and Canyoncito—can be identified as a local group or community. In Navajo Mountain the community consists of the descendants of one family plus accretions through marriage, but

at no time does it function as a unit under one leadership (Collier, M. 1951:37). Kluckhohn refers to Ramah as a "band" of Navajos. He says further, "In some sections the local group simply lives in the same area. In others there is regular cooperation" (Kluckhohn and Leighton 1948:68-69). Migrations, at least after Fort Sumner, seem to have been made by polygynous families or extended families rather than by bands into Ramah, Navajo Mountain, Shonto, and Kayenta (Kluckhohn 1956) (Collier, M. 1951) (Adams 1958) (Gillmor and Wetherill 1952).

Kimball and Provinse speak of a "greater community" under the leadership of individual men who by virtue of their prestige were able to exert an influence over a considerable area (1942:24). Since such communities are not named, it is difficult to know to what place and time the authors refer. The post-Fort-Sumner period, for example, shows the influence of the Federal Government in appointing headmen to deal with extensive areas of the new Reservation.

We see again the flexibility in Navajo social organization, which makes it as difficult, except in those sections marked by natural barriers, to identify a local community as it is to isolate kinship groups. Property "ownership" in a local group may be confined to land that the group defends against trespass.

Apparently there were at one time both peace and war leaders who could speak for groups larger than kinship aggregations. Underhill believes that in the heyday of raiding and fighting, more or less permanent war bands developed under such leaders as Manuelito; but it is also possible, in view of the sporadic character of Navajo raiding and retaliation, that these men were only taking time out from farming, herding, and hunting to punish their enemies or to add to their flocks. Hunting and raiding groups were composed of volunteers assembled by a ritual hunt or war leader for a particular occasion. Hill says that the leader would call for volunteers "among his able-bodied friends and relatives" (Hill 1936:7). An old Indian trader described this to me. "A man just got out and said, 'Come on, boys, let's go!' and anyone joined who felt like it."

The peace leader, the *natani*, was chosen for his wisdom and exemplary character. His function was to direct economic activities, to address meetings, and to arbitrate disputes. He had no coercive power. Such leaders (plus a few reformed warriors like Manuelito) were selected as headmen by the Federal Government after the Conquest.

THE CLAN

One of the largest kinship groupings is the clan. Navajos, being matrilineal, belong to the clan of their mother, but they are also considered to be "born for" the clan of their father. Clan exogamy prevents them from marrying into either their mother's or their father's clan. Offending individuals will be punished by illness, insanity, or the birth of deformed children (at one time, however, there was a ceremony to counteract these effects of incest). The exogamic taboo is strong even today.

There are from 40 to 60 clans now in existence among Navajos (Young and

Morgan 1954:20-22) (Reichard 1928:13) (Kluckhohn and Leighton 1948:63) (Aberle 1961:181-87). The exact number of clans is uncertain because the names may represent alternates or subdivisions of the same clan. The 1936 Government Survey lists the names of 74 clans but in fact members of only 45 clans were found.

Clans are dispersed throughout the Reservation but some tend to be larger in one area than in another. In 1936, clans varied in size from 1 to 3,600 members. There were 3 clans with more than 3,500 members; 2 with from 2,000 to 2,800; 8 with 1,000 to 1,500; 22 with 100 to 999; and 11 with fewer than 100. Obviously, Aberle says, there is no orderly process of segmentation or opposition and balance of units of like order and size (1961:182).

Clans are not formally ranked in prestige order, but in a given district, the largest one tends to carry the most prestige. Some prestige attaches to the four original clans of the myths, but there is not complete agreement on which clans they were. Kluckhohn points out that there is a tendency to look down on people of the Mexican, Ute, and Paiute clans. The water clans always have prestige, and members of some clans, such as *Tachini* and *Kiya'ani*, often claim that their clans are the same as the water clans (Personal communication 1960). Most clan names are those of some locality but some are nicknames and some are of foreign origin. New clans arise from divisions within larger clans or from population accretion. The Navajo clan is not a corporate group. It has no head; it holds no property; it never meets as a unit. Its function is to regulate marriage and to form wide links for hospitality. There is testimony in the literature, principally from the Franciscan Fathers (1910:439), to the effect that the clan once owned land, demanded indemnity for a relative who had been killed or injured, settled intra-clan disputes, even feuded. Kluckhohn and Leighton believe that at one time the clan may have played a greater part in social control (1948:65). If this was so, Aberle says, the references must be to members of the clan who lived in the same area, a group which he calls the "local clan element."

Navajo kinship nomenclature emphasizes groupings by clan. Murdock classifies it as Normal Iroquois. It is a classificatory system, at some points merging lineal and also collateral relatives. At certain points the unity of the unilineal group is expressed in the over-riding of generations. Kinship terms are extended to members of one's own and of one's father's clan. However, kin terms may be extended out of politeness to non-relatives (Aberle 1961:172).

Linked Clans

Linked, grouped, or affiliated clans are clans that are considered to be related either as a result of the division of a larger clan or by the attachment of one clan to another. There is no agreement on just which clans are linked, but there are approximately nine groups. Theoretically, marriage is prohibited into clans linked to one's own or to one's father's clan, but in practice some distinction is made between those which are closely related and those which are distantly related (Aberle 1961:183). Kaut believes that this may correspond to

the phratry groups among the Western Apaches, where an intermediate clan provides a link between phratry groups (Kaut 1957:40-43). However, this has not been worked out for Navajos.

THE LOCAL CLAN ELEMENT

The "local clan element" is the grouping suggested by Aberle to fit the description of clan functions in social control and economic and ceremonial cooperation given by the Franciscan Fathers, Kluckhohn, and Reichard. Navajos have repeatedly denied to me that the clan acts in any way except to control marriage and to extend hospitality. If the clan did function in more ways in the past, those functions must have been performed by a local clan element.

THE TRIBE

We come to the group that will be our principal focus of interest. It is the "tribe," which is developing as a corporate group and is taking over the leadership of Navajo society. In the past this was the largest group among Navajos. It was not a corporate group; it was never centralized nor organized as a unit, but rather represented a community of language and culture shared by a people who occupied a common territory. Navajos are, and were, conscious of their identity as *Diné* or the *People*, and readily distinguished themselves from their closest relatives among the Apacheans of the Southern Athabascan-speaking tribes. Common speech and customs, widespread linkages through marriage induced by clan exogamy, and shared religious practices formed the basis for cohesion. There was no warfare or general raiding within the group, and even the evidence for internal feuding is slight. Apparently the emphasis was on compounding differences between families or clans rather than on the blood feud. Other tribes could be raided with impunity. A war party would retaliate if an alien tribe killed a Navajo. For short periods of time there were alliances between the Navajos and the Western Apache, the Jemez, and other Pueblos. However, the generally hostile relations between Navajos and their neighbors were obvious at the time of Kit Carson's campaign, since he readily enlisted the support of Utes, Hopis, Zunis, and "Enemy Navajos"; ". . . all of the different tribes spilled over on us" (Sapir and Hoijer 1942:345).

Anthropologists at present agree that the Navajo tribe was traditionally not a political unit. The *natcit*, which Reichard and Van Valkenburgh saw as a tribal assembly, is now believed to be a form of the victory dance. Reichard notes that "there is a religious system which has for years enabled the Navajo to retain their identity in a rapidly changing world" (1950:xxi).

With this chapter the presentation of the background of developing political process among the Navajo Indians has been completed. Part II will deal specifically with the political aspect of Navajo life.



PART II
THE AUTHORITY SYSTEMS



CHAPTER V

What Is Political?

THE PROBLEM of defining political activity has become increasingly complex as anthropologists have more and more turned their attention to the decision-making activities of the simplest types of societies. This, in my opinion, has made the widely accepted definition based on the "legitimate use of force" subject to review.

Radcliffe-Brown says:

In studying political organization, we have to deal with the maintenance or establishment of social order, within a territorial framework, by the organized exercise of coercive authority through the use, or possibility of use, of physical force (1950:xiv).

Emphasizing as he does the concepts of "political organization," "territorial framework," and "use, or possibility of use, of physical force," Radcliffe-Brown has formulated a definition that is in substance synonymous with the definitions of the state offered by Lowie and Max Weber. Lowie says: "The state embraces the inhabitants of a definite area who acknowledge the legitimacy of force when applied by the individuals whom they accept as rulers or governors" (1948:317). Weber defines the state as "that human association which within a definite sphere . . . successfully claims the monopoly of legitimate physical force" (quoted by Lowie 1948:156). Weber explains why he chooses to define the political character of a group in terms of means rather than in terms of ends:

It is not possible to define a political corporate group, including the state, in terms of the end to which its corporate action is devoted. All the way from provision for subsistence to the patronage of art, there is no conceivable end which *some* political corporation has not at some time pursued. And from the protection of personal security to the administration of justice, there is none which *all* have recognized. Thus it is possible to define the "political" character of a corporate group only in terms of the *means* peculiar to it, the use of force (1947:155).

The inclusion of "territorial framework" in definitions of the state stems from distinctions made by Maine and Morgan, in *Ancient Law* and *Ancient Society* respectively, between a primitive, kin-based society, and "civilization," or modern government, which is founded on territory and property. Morgan says that a society which occurs among all savages and barbarians is founded upon gentes, phratries, and tribes, and the government deals with people in their personal capacity as members of kinship groups. Political organization, political society, or a state is characteristic of civilization. It is founded upon territory and property, and the government deals with people in their residential capacity as inhabitants of a regional unit such as a township, county, or state (Morgan 1877:6, 61).

The function of political organization, according to Radcliffe-Brown, is the maintenance of order. Lasswell, Lerner, and Rothwell cite "decision-making" as a political function. *Power*, they say, is "sharing in decisions," and *government* is the only institution that makes the severely sanctioned choices (1952:8).

All these definitions, derived from an analysis of a concrete unit, a *government* or a *state*, are inadequate for our purposes since we want to isolate the *political* aspects of a society that has no specialized organs of government and that can claim no monopoly of force. As to territorial framework, Schapera, and Lowie before him, have pointed out that no society, however rudimentary, lacks a land base which it controls and defends (Schapera 1956:5). Despite the absence of specialized political units and roles, the simple societies are "self-governing." They make decisions that are binding on their membership, and they recognize no higher authority than their own resident kin groups, bands, or tribe. It is more worthwhile for us, then, to look for that aspect of human social activity which can be analytically distinguished from the *economic*, *religious*, and *familial*, and called *political*. Fallers confines *political* to "rules governing the legitimate use of power." But power has connotations of *potency* or *potential capacity*, while *legitimacy* connotes what is *right* or *proper*. We need a definition that covers equally authority based on consensus and voluntary submission and authority based on the recognition of necessity—the kind which must obtain in a conquest state. Also, we should specify, *authority for what*.

In order to isolate the political aspect of social action from other aspects, I would select the concept of *ultimate authority*, understood in the sense of the probability that decisions will be obeyed and considered binding by members of a society to whom the decision-makers are accountable.

The functions of such ultimate authority can be seen most readily in an analysis of the functions of the *state*. The state is a concrete unit of membership. It may be subdivided into legislative bodies, executive officials, a police force, an army, judges, and courts. It has established procedures, methods of recruitment for office, ordered, defined areas of authority and means of exercising authority, and procedures of accountability and communication. What is the overall purpose of government in a modern state? Most important, its purpose is to protect the members of the society from disorder both within and without, and to control the overall direction of collective activity so that the society can survive; Davis expresses this purpose as follows:

internally, the ultimate enforcement of norms, the final arbitration of conflicting interests, and the overall planning and direction of the society; and externally, the handling of war and diplomacy (1953:489).

The functions of the state are usually categorized as legislative, executive, and judicial. *Legislative* functions comprise the expression of demands, the making of decisions that are binding on a society, the formulation of rules and laws, and the determination of public policy. The *executive* function comprises

the putting into effect or implementing of the decisions, the enforcement of rules and laws, and the marshaling of support to ensure obedience by an appeal to the tacit acceptance of the state's authority, or by the threat of force, or by the use of force. The *judicial* function comprises the adjudication of disputes, the interpretation and application of laws to specific situations, the determination of deviance, and the selection of proper sanctions to be used for the control of that deviance.

Easton, in his essay "Political Anthropology" (1959) suggests that two other kinds of activity need to be undertaken if binding decisions are to be made and put into effect; namely, the formulation of demands, and the marshaling of support or solidarity. I do not believe that "formulation of demands" deserves an equal place with "legislative," "executive," and "judicial" functions since it can easily be subsumed under the legislative process. "Marshaling of support" can be considered in the analysis of the groups or individuals to whom the decision-makers are accountable. However, since the support structure is so important a feature of a political system, and so much effort is devoted to enlisting support even in simple societies, it is worthwhile to draw particular attention to this aspect of political activity. This brings out the point made by Kahin, Pauker, and Pye, that it is essential to look behind the façade of formal office to determine actual power, and that consensus should be analyzed in order to determine the locus of legitimate authority and the amount of participation present in the decision-making process (1955:1039).

These, then, are the functions of the *state*. When we consider simple, stateless societies, is there no need for these functions to be performed? Or can such functions be performed without a distinct political structure of formalized groups and offices? Is the political aspect of social behavior lacking in these societies?

It is my contention that there is a universal social need for some political allocation, that is, a distribution of authority over, and accountability for, the actions of members of a society. The illegitimate use of force must be restrained; there must be some control of the immature members of society; some coordination and direction of effort is imperative for individual and group survival (Levy 1952:468). And beyond these needs, there is the inescapable condition of scarcity, which requires the allocation of an ultimate authority for making decisions, that is, for political behavior. As Parsons and Shils have written:

By virtue of the primordial fact that the objects—social and non-social—which are instrumentally useful or intrinsically valuable are scarce in relation to the amount required for the full gratification of the need-dispositions of every actor, there arises a problem of allocation; the problem of who is to get what, who is to do what, and the manner and conditions under which it is to be done . . . [there must be an] allocation of roles, facilities, and rewards (1954:197).

In sum, the fundamental elements of the political aspect of any social system are based on a consensus among the members of a society that it is desir-

able (or necessary) to live together and to reproduce their group and their way of life. In order to accomplish this, they must (1) share a system of customs, values, and goals, (2) cooperate in economic and social activities to maintain the group, and (3) protect their membership from destruction from without. The sharing of customs, values, and goals entails the socialization of the child and the control of deviance (though not of variance). Cooperation in economic and social activities requires the allocation of scarce resources, decisions as to means and procedures, and the allocation of roles, that is, ultimately, who is to do what, when, and how. Protection of the membership against destruction from without involves both diplomatic dealings with outsiders and the organization of resistance to attack. In every society, decisions must be made, power and responsibility must be allocated, cooperation and conformity (within limits) must be enforced, disputes must be adjudicated, support must be mobilized. Where there are no distinct political units or roles, ultimate authority lies in the consensus of the adult members of the group. Limited authority may be allocated in certain areas—for example, to family heads or to ceremonial leaders. It may be allocated temporarily—to the hunt leader, or to the leader of the raid. When disputes arise, it may be allocated to a headman whose wisdom is respected. Support for the decision-makers may come from the whole society, or from enough members of the society to make the authority final. But nowhere is power left completely uncontrolled, to be seized upon at random; if it were, the society could not persist. The *political aspect of a social system*, then, we shall define as the ultimate authority to make binding decisions for the direction of the affairs of a society.

In analyses of political systems, different dimensions have been considered crucial for the establishment of a meaningful typology. Among them are: the type of social structure through which political action takes place, whether a state or a stateless society (kin-based, segmentary, and state societies); the type of legitimacy claimed for the ultimate authority, whether that authority is traditional, rational-legal, or charismatic; the type of support structure, whether territorial, kin-based, or ranked by economic classes; the type of role system, specialized or nonspecialized, permanent or temporary, recruited by achievement or ascription; within the role system, the kind of remuneration and the area of accountability; and finally, the types of sanctions used. Rather than attempt in advance to assess the relative importance of these factors in analyzing a political system, I shall assay them in an analysis of one specific case—the development of a modern political system among Navajo Indians.

CHAPTER VI

The Traditional Authority System of the Navajos

THE traditional authority system of the Navajos before the Conquest differed in important respects from the authority system that was established on the Reservation. In the first place, the conquest eliminated an important group, the raiding party with its power role of "war chief." Second, before the Conquest, members of the tribe acknowledged no external, superordinate authority; afterwards, they were forced to. The United States Government conferred authority on headmen or chiefs who were appointed by the Navajo agents to serve as contact officials with members of the tribe. The purer form of traditional authority must be reconstructed from historical documents and the reminiscences of aged informants.

The basic assumption of this study is that any society which subsists over time must have some systematic allocation of power and authority to make final decisions and control disruptive behavior. Some person or persons must possess legitimate authority to make decisions for which he or they, are accountable, decisions or commands that certain individuals or groups feel obligated to obey. It is this ingredient of mutual obligation, rights, and duties that differentiates a relationship of legitimate authority from a market or exchange relationship, as Zelditch points out (1955:311).

Weber bases his analysis of authority on the concept of the orientation of coordinated action to an order which must be carried out and enforced by a responsible agency (1947:56). "Imperative coordination" (Parsons' translation of *Herrschaft*) is the probability that certain specific commands from a given source will be obeyed by a given group of persons. There may be a variety of motives for obedience to commands, such as custom, affectual ties, material interest, and ideal motives, but a criterion of every true relation of imperative coordination is a certain minimum of voluntary submission. The voluntary submission results from a belief in the legitimacy of the command, and thus one needs to know the kind of legitimacy that is claimed, the kind of administrative staff that guarantees it, the mode of exercising authority, and the type of obedience. Of these, the most important for classification of an authority system is the kind of legitimacy claimed for it.

Weber suggests three pure types of authority, according to the basis for the claim to legitimacy: rational-legal, traditional, and charismatic. A "rational-legal authority" rests on the belief in the legality of normative rules and the right of those elevated to authority under such rules to issue commands. A "traditional authority" rests on an established belief in the sanctity of traditions and the legitimacy of those exercising authority under them. "Charismatic authority" rests on devotion to the specific and exceptional sanctity, heroism, or exemplary character of the individual person, and of the normative patterns of order revealed or ordained by him (Weber, M. 1947:324-29).

NAVAJO AUTHORITY

We have seen that the Navajo tribe, as it existed before the Conquest, had no centralized authority. It never convened as a group, but it was distinctly bounded by the limits of acceptance of a common culture, that is, a system of shared customs, beliefs, and values that was considered binding on the society. A common language delimited the tribe. Sections of the tribe controlled and defended a common territory. A network of kinship and affinal relations, widely dispersed as the result of clan exogamy, and a common ceremonial system served to integrate the society and give a sense of distinctiveness to the *Diné* or *People*. Navajos neither raided nor made war upon each other, but they intermittently raided and made war upon all other nearby groups, Indian and white. The tribe represented the ultimate bounds of legitimacy or sovereignty, since no non-Navajo person or group was recognized to have the right to exert control over the members of the tribe.

The Navajo authority system may be classified as "traditional." Weber elaborates on the definition cited above:

The person or persons exercising authority are designated according to traditionally transmitted rules. The object of obedience is the personal authority of the individual which he enjoys by virtue of his traditional status. . . . The person exercising authority is not a "superior" but a personal "chief" His commands are legitimized in one of two ways: (a) partly in terms of traditions which themselves directly determine the content of the command and the objects and extent of the authority. In so far as this is true, to overstep the traditional limitations would endanger his traditional status by undermining acceptance of his legitimacy, (b) in part, it is a matter of the chief's free personal decision, in that tradition leaves a certain sphere open for this . . . [since] the obligations of obedience on the basis of personal loyalty are essentially unlimited [Parsons corrects this in a note to "unspecified" rather than "unlimited"]. So far as his action follows principles at all, these are principles of substantive ethical common sense, of justice, or of utilitarian expediency . . . not formal principles. The exercise of authority is normally oriented to the question of what the chief . . . will normally permit, in view of the traditional obedience of the subjects and what will, or will not, arouse their resistance (1947:341, 342).

The Navajo authority system is "traditional," but when we try to fit it into Weber's pure category we feel a certain uneasiness. Zelditch has expressed this in his analysis of the Ramah Navajo and has settled for admitting the existence of "elements of traditional authority" (1955:303). One of the difficulties is that Weber's type is based on the concept of an authoritarian society in which the designation of the chief is by ascribed status, a society in which he exercises coercive control and enjoys a large area of freedom for personal whims and acts of personal dominance. This does not fit the Navajo case. Even the further refinements of "gerontocracy" and "patriarchalism" cannot contain the Navajo system.

The most primitive types of traditional authority are the cases where a personal administrative staff of the chief is absent. . . . The term "gerontocracy" is applied to a situation where so far as imperative control is exercised in the group at all it is in the

hands of the "elders" . . . most familiar with the sacred traditions of the group. This is common in groups which are not primarily of an economic or kinship character. "Patriarchalism" is the situation where, within a group, which is usually organized on both an economic and a kinship basis, as a household, authority is exercised by a particular individual who is designated by a definite rule of inheritance. . . . The decisive characteristic of both is the conception . . . that this authority, though its exercise is a private prerogative of the person or persons involved, is in fact pre-eminently an authority on behalf of the group as a whole. It must, therefore, be exercised in the interests of the members and is thus not freely appropriated by the incumbent. . . . He is hence still to a large extent dependent on the willingness of the group to enforce it. Those subject to authority are hence still members of the group and not "subjects." But their membership exists by tradition and not by virtue of legislation or a deliberate act of adherence. Obedience is owed to the person of the chief, not to any established rule. But it is owed to the chief only by virtue of his traditional status. He is thus on his part strictly bound by tradition (Weber, M. 1947:346).

Navajo authority was ultimately validated by the myths and by an appeal to Old Navajo ways. Transgression of taboos and deviance from the accepted ways, it was believed, resulted in disharmony and illness. Navajo authority was personal, personally defined in particular situations; a Navajo owed loyalty to persons rather than to the community or the tribe as an abstract idea (Zelditch 1955:304). Thus there is a difference from Weber's pure type, in that none of the Navajo authority roles was designated by ascription. They were not hereditary; they were always in some manner "elective." Even the authority patterns of the kin roles were flexible, since alternative residence patterns and the nearly equal status of men and women in major family and community decisions made it possible for Navajo adults, at least, to choose the authorities to whom they wished to submit. Specialists such as war leaders, hunt leaders, and curing-ceremony leaders, who had achieved skill in learning the necessary rituals, were selected for particular occasions. Their following was always voluntary. The *natani*, or peace leader, was not allowed areas of uncontrolled personal whim and dominance; his role was traditionally defined as non-authoritarian and noncoercive, his power was to be exercised in the interests of the group. It was based on the respect in which he was held as a person. Any attempt on his part to overstep his authority would destroy the basis of its legitimacy—that is, the respect and confidence without which he could not command obedience.

Early white observers described the Navajo authority system as "anarchy" (Letherman 1855:288). Authority, however, was never completely diffuse, nor was it appropriated at random. The locus of authority was in the various functional groups, the biological family, the extended family, the outfit, the local group, the raiding party, the hunting party, and the ceremonial gathering. In so far as the authority for decision-making and control in these groups was ultimate, that is, was subject to no higher authority, it was political. The highest authority lay in the agreement achieved within the group after matters had been "talked over." Only then did the *natani* act as the authority figure for the

group. Only on raids, at the hunt, or at a ceremony was absolute authority accorded to the ritual leader, and then only for a specific purpose. It is possible to characterize his authority as partly charismatic since it depended to some extent on personal skill. But it depended even more on the efficacy of the traditional ritual and in no wise represented the "revolutionary" force of Weber's type charismatic authority.

The basis then for legitimacy, the validation of "imperative coordination" in pre-Conquest Navajo society, lay in the fact that the actions of the members of the society were oriented to a normative order, to accepted values and beliefs, and to the correctness of certain sanctions for inducing conformity. Navajos believed in a harmonious universe; they believed that illness and disaster resulted from upsetting the balance and that ritual means could restore harmony. There was agreement on certain patterns of cooperation within groups, structured with great flexibility around kinship and affinal ties, for economic subsistence, co-residence, sexual satisfaction, and the raising of children. There was agreement on general property concepts, use rights in land, the correctness of dividing personal property at death, and on the value of acquiring property, of hard work, of reciprocity, of generosity. Decisions should be unanimous if possible, should be "talked over" with all interested adults, and should be executed voluntarily. All positions should be open to the "good man" or the "good woman," although customarily the public roles were played by men, older men who had attained wisdom. Disputes should be settled through compromise and arbitration. Force should be used only against witches and aliens. Conformity should be secured through respect, praise, cooperation. Deviance should be punished through disrespect, ridicule, and withdrawal of cooperation. In the extreme case of witchcraft, punishment should be death, administered either as self-help by the injured parties or by community agreement.

In brief, the Navajo authority system was traditional; obedience was voluntary; power was exercised by particular persons in particular situations; and there was no supreme leader, no hierarchical chain of command, no monopoly of force.

THE ROLE SYSTEM

As we saw in Chapter I, the role system is a synonym for social structure, the ordering of the personnel of a society into related positions or roles which are defined in terms of reciprocal expectations, rights, and duties (Siegel 1954). The concept "role" was defined as a set of expectations applied to the incumbent of a position in a system of social relationships (Gross, Mason, McEachern 1958:60). *Role* is the point at which individual behavior becomes social conduct; the point at which the conflicts are sharpest and the motivation for social change appears.

The focus of this study is on those positions in Navajo society which carry institutionalized authority, those roles in which the actors have the right to

expect obedience to their commands. The role may be studied in terms of the individuals or groups over whom the authority may be exercised; in terms of the function of the authority and its duration; in terms of the method of recruiting the role player, and his motivations for conforming with expected role behavior; and in terms of the conflicts within a role, between roles played by the same person, and among role definers.

Reichard, whose material was gathered from aged informants, draws a rather formal picture of Navajo tribal leadership in the pre-Conquest period. She says:

The political organization was vested in twelve war and twelve peace chiefs who formed a council . . . the appointment of the war chiefs was a special honor bestowed for prowess in warfare; . . . the peace chiefs were selected on the basis of eloquence and perhaps of good judgment and uprightness . . . women could be chiefs as well as men (1928:111).

Most anthropologists disagree now with her theory that there was a centralized political organization with a stated number of chiefs. Hill says that the Navajo tribe never functioned as a unit in concerted action and that Navajos were never brought under the leadership of a single individual or group for a common purpose. He does, however, believe that there was a distinct separation of war and peace authority (1954:14, 15).

The historical record indicates this separation of powers. Fray Alonso de Benavides, writing in 1634, describes his meeting with a Navajo at Santa Clara Pueblo:

One of their famous chieftains, a very belligerent individual was here at that time recruiting a large army in order to fall upon and massacre all the Christians. He was a cousin of the leading cacique who governed them (1945:87).

This chief was so impressed by Benavides that he agreed to make peace, although he regretted that peace should be offered at this time "when he had made such elaborate preparations for exterminating them all at one stroke, but since peace was such a fine thing he could not help accepting it." Later Benavides' emissary addressed the Navajos, speaking of "so many captains among you" (Benavides 1945:85-88).

It appears from this that there were a number of leaders and that there was a distinction between a governing "cacique" and the war chiefs. In Benavides' account a war chief makes peace, although according to Hill's informants this could only be done by a peace chief (1936:19). Spanish reports mention a number of "chiefs" who were made "generals" in the Spanish Army and given subsidies to keep them quiet (Van Valkenburgh 1945:69). Many Navajos signed peace treaties over the years with both Spaniards and Americans, but whether the majority of such men were war chiefs or peace chiefs we do not know. In some cases, however, as with Narbona, Zarcillas Largas, Ganado Mucho, and Antonio el Pintado, we know that they were peace chiefs.

Reichard indicates that the role of war chief was a status position bestowed

as an honor (1928:111), but Hill says that it was achieved by knowing the ritual of War Ways. As we have noted, volunteers for the war party were recruited for the particular occasion:

The formation of a war party was in the hands of a shaman-leader, who knew the songs, prayers and observances of one of the several Ways of going to war. In payment for his ritual service such a man received a larger share of the plunder. . . . Such an individual who had confidence in the power of his ritual to defeat the enemy, would go among his able-bodied friends and relatives . . . and ask for volunteers to accompany him to war. For a raid, four to ten men were needed; for a reprisal thirty to two hundred. . . . The man who organized the party was in complete command of all its members. . . . If a boy or man desired to become a war leader, he sought out a shaman-leader of the Way which he desired to learn and asked for instruction (Hill 1936:7, 8).

Kluckhohn and Leighton are of the opinion that Navajo warfare should not be exaggerated since it consisted of raids for sheep and horses for the most part, and never approached the cultural importance to Navajos of the war complex among the Plains Indians (1948:5).

The role of hunt leader required a knowledge of ritual Hunt Ways. The expedition was under his absolute control and his authority was validated by a success which must have depended upon practical skill as well as ritual knowledge. Anyone could learn the hunting ritual who wished to. Usually the learner paid his teacher, unless he was a relative. The leader was recompensed by receiving the largest share of the kill (Hill 1938:97, 100).

There were two kinds of curing practitioners, the Diviner, whose skill was charismatic in that it depended upon a "gift," and the Singer, who had learned a Chant and whose authority was based on ritual skill. Diviners were diagnosticians who through "star-gazing" or "hand-trembling" could discover the cause and cure of an illness. The services of both Diviner and Singer were solicited by the patient and his family, and they were remunerated (Wyman 1936:236).

Anyone who wished could become a Singer provided he learned the Chant or Chants. He was expected to pay for instruction unless he was taught by a relative. During a ceremony the ritual leader exercised absolute authority and was held responsible for the outcome. Some Sings attracted participants from other communities, and as many as a thousand people might gather for one of the more important ceremonies. A Singer's influence would extend beyond the ceremonial occasion only if he was endowed with the personal qualities that inspired respect, the qualities associated with a *natani*.

The peace chief or headman or *natani* role more nearly approximated the role of a modern political leader. His authority appears to have extended beyond his family or outfit and to have been of longer duration than that of the war chief. At one time there may even have been bands with single leaders such as Canyoncito under Sandoval. Patterns, areas of authority, and the number of peace chiefs were flexible. Most of the historical reports indicate several chiefs with limited authority in each region.

The role of *natani* ideally required wisdom, exemplary character, oratorical

ability, personal magnetism, and proven skill in both practical and religious aspects of the culture. The *natani* was usually a practitioner of Blessing Way. The office was not remunerative and it was not hereditary. Kluckhohn points out, however, that there is a perceptible tendency for leadership to continue in the same family line, and he gives the example of Ramah, where the position of headman went from the father, Many Beads, to his son, to his son-in-law, to the son's daughter's son, and to another grandson. In 1955 still another grandson of Many Beads was elected Chapter President (Personal communication 1960).

The headman was chosen after a canvass of the area, men and women having an equal voice in the selection, which ideally was unanimous (Hill 1954:16). The Franciscan Fathers report a ceremony of induction (1910:422), and Wyman and Kluckhohn describe Chief Blessing Way as the ceremonial "which was, and perhaps still is, used when a chief or headman is installed. It is said to enable a man 'to make powerful speeches'" (1938:19). The chief's success depended upon his own personal qualities and his ability to secure cooperation and retain respect. He was expected to address both local meetings and meetings in other communities, to deliver talks on ethical problems, to advise people to work hard and live in peace. The *natani* acted as local economic director, planning the community work for planting, cultivation, and harvesting. He arbitrated, on request, disputes over damages, trespass, and land claims, and acted as mediator in quarrels. He was expected to dispense hospitality to visitors and to serve as diplomatic representative to other communities (Hill 1954:18).

Much the same qualities, except perhaps for the oratorical ability and the knowledge of Blessing Way, are the attributes that define the roles of father of a family, head of an extended family, and leader of an outfit, which we have examined in the chapter on social structure.

Before we analyze the authority roles we have just discussed, another interesting problem deserves attention. Although there were *natanis*, rich stock-holders, ceremonial leaders, and war chiefs, all positions which carried prestige in the society, such leaders seem to have made no attempt to form associations or to interact more frequently among themselves as status groups. For example, interaction was more frequent within the kin groups than it was between rich men from various groups. Ceremonial leaders did not gather together as such nor did they seek to put up barriers against entry to the "profession." No positions in Navajo society were drawn exclusively or even predominantly from any one status group. There were slaves in early Navajo society, and later there were peons, but no systematic study has been made of them and it is possible that they were not present in large enough numbers to affect the structure of the society profoundly. Reports from early American contact, such as that of Calhoun in 1849, describe a "war party" and a "peace party" among Navajos, but it is more likely that there were differences of opinion within each community than that there was any wider grouping such as a "party" of those who agreed on the issues of peace or war.

One outside view of Navajo authority roles before the Conquest is of interest. An Army surgeon named Letherman writes in 1855:

They have no hereditary chief—none by election. . . . Everyone who has a few horses and sheep is a “headman”, and must have his word in the councils. Even those who by superior cunning have obtained some influence are extremely careful lest their conduct should not prove acceptable to their criticising inferiors. The “juntas,” or councils are generally composed of the richest men, each one a self-constituted member, but their decisions are of little moment unless they meet the approbation of the mass of the people; and for this reason these councils are exceedingly careful not to run counter to the wishes of the poorer but more numerous class, being well aware of the difficulty, if not the impossibility, of enforcing any act that would not command their approval (1855:288).

To summarize: all the authority roles in Navajo society were achieved, except for the minor role of hand-trembler, which had a special charismatic quality. The sphere of competence was traditionally specified. Even the kinship roles, which were to some extent ascribed by birth, sex, age, and marriage, had their achievement component, since no kinship or affinal position automatically conferred a fixed amount of authority on the incumbent. Easy divorce, the wide ramification of kin and affinal ties, the flexibility of residence patterns, and the negative valuation of coercion among relatives made it necessary for a Navajo to achieve genuine authority in a family group by means of special attributes and performances within the framework of the common normative order.

This leaves us the problem of role conflicts, that is, conflict within a role, conflict between roles played by the same person, and conflict among role definers. All roles that were fully institutionalized in traditional Navajo society were oriented to the accepted normative order. There is no evidence, before the Conquest, that Navajos ever challenged their system of beliefs and values. This was not an authoritarian belief system, according to Ladd, but rather a series of prescriptions of what one ought to do or ought not to do in order to be healthy and happy (1957:265). To act competently within this system, however, was not always easy, and a series of values clashed within each institutionalized role. The emphasis on harmony and generosity and the value of ceremonial participation contradicted in certain situations the emphasis on the value of acquiring goods, and of practical activities in agriculture and herding. The value placed on acquiring wealth conflicted with the belief in equal status, with the result that the rich man ran the risk of being accused of witchcraft. Likewise, the ceremonial practitioner who was obligated to perform his ritual ran the risk of being suspected of using his knowledge for bad ends. The *natani* was caught between the need to secure consensus of opinion and the need for decisive action.

Conflicts in roles arising from conflicts among role definers were in some cases inherent in the structure. For instance, in a matrilineal society men owed obligations to their families of origin and also to their families of procreation. As interests became differentiated into pastoralists and agriculturists, raiders

and farmers/herders, conflicts arose as to which interests the *natani* should speak for. In cases of arbitration or mediation, the *natani* was caught between his family obligations, if relatives were involved, and his commitment to render justice. Further role conflicts affected both *natani* and war chief, that is, whether he was accountable to a small group of followers, to a locality, or to a broader section of the tribe.

The conflict within the role system was chiefly between war and peace leaders. The right of raiders was generally recognized in Navajo society and their activity was considered "an important practical pursuit" (Kluckhohn and Leighton 1948:5). The war leader was supposed to obtain the consent of the *natani* before instituting a raid, but he rarely did so (Hill 1936). Reprisals frequently victimized groups who had not been involved in a raid, and this, certainly, must have caused friction among role players.

Although there were no strong corporate groups demanding conflicting loyalties of the same person as in some highly structured African societies, conflicts did exist within roles and between roles. Perhaps the lack of a clear hierarchy among roles contributed to the conflicts.

The analysis of role conflicts will assume even more importance when we discuss the four interacting authority systems of the present day. Anthropologists have frequently tended to overemphasize the harmony, because of homogeneity, of the simple societies, and often they have attributed observable conflicts to the culture contact situation. No human society has yet achieved Utopia; certainly traditional Navajo society, with its raiding and enslaving and the retaliation that this provoked, did not find the perfect plan.

CHAPTER VII

The Authority Systems of the Federal Government and the Local States

THE FEDERAL SYSTEM

THE FEDERAL authority system as it affects Indian affairs is easier to analyze than the traditional Navajo system because of its formal structure. It is, in Weber's terms, a rational-legal system in which obedience is owed to a legally established order. Concrete units and offices are impersonally defined and delimited. At the level that most directly touches the Navajo systems, the Bureau of Indian Affairs, there is a complete bureaucracy with regular activities distributed as official duties. Power is hierarchical and authoritarian, accepted by voluntary submission, or imposed by sanctions that are adjudicated in formal courts and enforced by an apparatus of police, prisons, and a national army. The validity of Federal claims to obedience rests on rational grounds, on normative rules defining the right of those elevated to authority to issue commands.

The Basis for Authority over Indian Affairs

Felix Cohen says that the Constitution of the United States forms the basis for Federal control over Indian affairs, since the national government derives its sovereignty from powers delegated to it by the states (Cohen 1942:89). Rice, as quoted by Cohen, details the principal sources of the authority Congress exercises over the Indians:

In view of the express grants of the commerce power and the expenditure-for-the-general-welfare-power, of the fact that the greater Indian tribes lived on the national domain and not within any state (until the west was piece-meal admitted to statehood) and of the custom of dealing with Indian tribes by treaty, the United States Supreme Court has never found, so far as I can learn, that any Congressional regulation of Indians has been beyond the reach of the national power. Indeed the net result is the creation of a new power, a power to regulate Indians (Cohen 1942:89).

The ultimate basis for the legitimacy of Federal authority over Indian treaty tribes, such as the Navajo, lies in the treaty whereby the tribe surrendered its sovereign right to make war in exchange for the protection of the United States. Whether or not Congress has the right to abrogate an Indian treaty unilaterally is still open to question. A 1926 Bulletin from the Office of Indian Affairs states:

With regard to the status of Indian treaties, the Supreme Court has held them to be substantially of no greater force or effect than an Act of Congress. In the case of *Lone Wolf v. Hitchcock* (187 U.S., 566) the Court held that: "The power exists to abrogate the provisions of an Indian treaty, though presumably such power will be exercised only when circumstances arise which will not only justify the Government in disre-

garding the stipulations of the treaty, but may demand, in the interest of the country and the Indians themselves, that it should do so. When, therefore, treaties were entered into between the United States and a tribe of Indians it was never doubted that the power to abrogate existed in Congress, and that in a contingency such power might be availed of from considerations of government policy, particularly if consistent with perfect good faith toward the Indians" (Young 1961:580).

Hoebel, however, has challenged this position. He believes that Indian treaties embody a contractual relationship between sovereign states: "It is a basic precept of intercourse between nations, states, and persons that a contract is binding until it expires or unless modified by mutual agreement" (1956:15).

Certain areas of authority were either left to, or delegated to, the Indian tribe as co-signer of the treaty. Areas of relative Indian and Federal jurisdiction have been defined and redefined, executively, legislatively, and judicially, by successive generations of Americans. The President of the United States, the Congress, the Federal Courts, the Department of the Interior, and the Bureau of Indian Affairs have made laws, rendered decisions, and promulgated the rules which regulate Indian affairs.

Legislative Authority

Congress has the principal authority to legislate on Indian matters, and this authority is usually exercised by the Committees of both Houses that consider bills affecting the Indians, such as the Senate and House Committees on Interior and Insular Affairs. A bill concerning the Indians is sent to the relevant committee, which may conduct hearings and recommend passage, report the bill unfavorably, or allow it to die in committee. The signatures of about half of the members of the House of Representatives, and unanimous approval in the Senate of a motion to discuss the bill, are necessary to force a bill onto the floor of the respective Houses. Appropriations are the heart of Indian affairs. Because of the trust relationship between Congress and the Indians, many apparently minor decisions require an Act of Congress.

Executive Authority

Congress has delegated executive authority over Indians to Administrative officials: the President, the Secretary of the Interior, and the Commissioner of Indian Affairs. Properly promulgated according to law, the rules and regulations of an Administrative body have the force and effect of statutes. The President could at one time, with the consent of the tribe, establish a reservation, or add to the reservation by executive order. (This right was taken away by Congress in 1917.) The office of the Indian Commissioner was established in 1832 to manage Indian affairs under regulations prescribed by the President. In 1849, when the Department of the Interior was constituted, the office of Indian Commissioner was placed under the Secretary of the Interior. Both officials are appointed by the President and confirmed by the Senate. Administrators cannot claim plenary power to regulate Indian conduct, their authority

being limited to the implementation of statutory or treaty provisions (*Federal Indian Law* 1958:57).

The Bureau of Indian Affairs is also under the Department of the Interior and the Secretary of the Interior has the right of approval or veto over certain rulings of the Bureau and of the Navajo Tribal Council. Besides the central office in Washington, D.C., the Bureau has Area Offices and Field Offices or Agencies. The Navajo Agency is under the Gallup Area Office, which also comprises the Consolidated Ute Agency, the Jicarilla Agency, the Intermountain School, the Mescalero Agency, the United Pueblos, and the Zuni Agencies. It is divided into departments of Management Coordination, Administration, Economic Development, Community Services, and Resources.

The Navajo Agency is directed by a General Superintendent, with Assistant General Superintendents in charge of Community Services, Resources, and Operations. Under these three departments are grouped the heads of various services. The General Superintendent's office is at Window Rock, and the five Subagency Superintendents have offices at Tuba City, Chinle, Fort Defiance, Shiprock, and Crownpoint.

The *U.S. Government Organization Manual* lists the main functions of the Bureau of Indian Affairs:

(1) To act as trustee with respect to Indian Lands and moneys held in trust by the United States and to assist the owners in making the most effective use of their lands and other resources; (2) to provide public services when needed—such as education and welfare aid—where these services are not available to Indians from other agencies; (3) to furnish guidance and assistance for those Indians who wish to leave reservation areas and enter normal channels of American economic and social life; and (4) to collaborate with the Indian people (both tribally and individually) in the development of programs leading toward full-fledged Indian responsibility for the management of their own property and affairs as well as the gradual transfer of public service responsibilities from the Bureau of Indian Affairs to the agencies which normally provide these services to non-Indian citizens (1958:227).

The function of the Gallup Area Office is to direct matters of personnel, of finances, and of cost accounting. The Navajo Agency directly administers Bureau policies that concern Navajos and makes reports and recommendations to the Area Office. The five subagencies perform the same function in their respective districts. There is, then, a chain of command from Congress, to the President, to the Secretary of the Interior, to the Indian Commissioner, to Area Director, to General Superintendent, to Subagency Superintendent.

The personnel of the Indian Bureau, except for the Commissioner, have been on Civil Service since 1902. Methods of selection are as follows:

Changes in position for upper echelon employees are generally made (1) through promotion from within the Bureau under the Merit Promotion plan; (2) through administrative reassignment when considered essential to the best interests of the Bureau; (3) through requests of individuals for transfer because of compelling personal reasons. Decisions on the filling of positions of Area Director are made in the Washington Office. Decisions on filling upper echelon

positions in the Area Office and the position of Agency Superintendent are made by the Area Director subject to the concurrence of the Washington Office. Preferential ratings on Civil Service examinations are given to veterans, Indian or non-Indian, who receive a five or ten point preference (ten points for disabled veterans). Preferential ratings on examinations are not given to Indians. Qualified Indians are granted preference by law in employment in Bureau of Indian Affairs, and are given first consideration for vacant positions. If Indian preference is the reason for the selection, a person is given an excepted appointment outside of the competitive service (Summarized from information from the Gallup Area Office 1960).

Navajos participate in the Federal authority system when they hold positions in the Bureau of Indian Affairs and in the U.S. Public Health Service. The number of Indians so employed has steadily increased. In 1942, about 400 Navajos were employed in regular positions in the Navajo Agency, and 780 held temporary positions (Kluckhohn and Leighton 1948:23). In 1953, 1,196 were employed by the Agency. In 1958, the number was 1,120 in the B.I.A. and 268 in the U.S.P.H.S. In 1959, the number in the Bureau rose to 1,154 (Navajo Agency Office, 1953) (Young 1958:104) (Gallup Area Office 1960). I have observed a marked increase in Federal employment for Navajos in the Chinle area since 1940. There is a definite trend in recent years toward appointing Navajos to the more skilled positions.

Judicial Authority

An important judicial authority for Indians is the Office of the Solicitor in the Department of the Interior. This Office performs all legal work for the Department, including public land proceedings and Indian probate matters. An Associate Solicitor is assigned to Indian affairs. There are six Regional Solicitors, under whom are Field Solicitors, Attorneys, and Hearing Examiners. The Solicitor makes a variety of legal rulings on Indian jurisdiction.

In addition to the regular Federal offenses, eleven major crimes,³ if committed by Indians on an Indian reservation, must be tried in Federal Courts, as must cases involving a non-Indian, except cases of indebtedness of an Indian to a non-Indian.

The Supreme Court of the United States rules on matters of constitutionality. Because of the great complexity of tribal-Federal-state jurisdictional problems, this Court is frequently called upon for authoritative judgments.

The Normative Order for Federal Indian Policy

The basis of the normative order of the Federal Government is the assumption of Federal responsibility for the condition of the Indians, a belief in which the States and the Indians concur. Over the years, however, this responsibility has been variously defined. At first it was considered to be pacification, military conquest, gift-giving, the confinement of Indians to reservations, and wardship for Indians. Later, the responsibility was interpreted to mean the incorporation of Indians into American life by allotting Indian lands, breaking

up the reservations, selling surplus Indian land, and destroying tribal identity. At the time of Roosevelt, John Collier, and the Indian Reorganization Act (1933-34), responsibility to the Indians was interpreted as preserving and extending the authority of Indian tribes, respecting their cultures, and enlarging their land base. At the end of the 1940's the policy changed to "piecemeal withdrawal" or "termination" of the reservations and the Bureau of Indian Affairs. As of 1958, the Secretary of the Interior had promised that there would be no termination of reservations without the consent of the tribes involved, and the current Secretary, Stewart Udall, has said publicly that today termination is a dead issue. (See Chap. XIV for a further discussion of termination). As far as Navajos are concerned, Federal policy has protected the Reservation against encroachment, extended the land area a number of times, encouraged self-government, encouraged the preservation of tribal resources, and acted to preserve the range.

The present aim of the Indian Bureau is to move in the direction of becoming a consultative rather than an administrative organization for Navajo affairs. Walter Olson, Assistant Area Director of the Gallup Area Office, gave me his views on Federal responsibility:

The Government should act in an advisory capacity with extension and educational programs, but it should not decide the fate of the Indian tribes in their entirety. It should offer lots of consultation but not all the answers. The Indians should be given freedom to work out the solutions themselves. It is not for the Government to decide that Navajos should be like everyone else and push it. It is up to the Navajos themselves to make the decision. The important thing is to set up safeguards in the way of legislation which will admit that the Tribal Council and the District Councils have an entity. The Tribal Council needs to be accepted by the States before the Bureau considers withdrawing.

This is one man's opinion; other officials would perhaps press more vigorously for assimilation.

THE AUTHORITY SYSTEMS OF THE LOCAL STATES

The local State systems are modeled on the Federal system and are therefore rational-legal in type. Positions are either elective or bureaucratic and are arranged in a hierarchy of fixed areas of jurisdiction. The systems of the local States, in our case principally Arizona, New Mexico, and Utah, interact with the Federal system on matters of Indian affairs through Congressional representatives. Subordinate to the States but with their own areas of authority are County and Municipal governments. The States have no jurisdiction over the Navajo Reservation; they have limited jurisdiction over allotted lands, and complete jurisdiction over Navajos living off the Reservation on land that is not in trust. The Navajo Reservation is surrounded by these three States, and there is a continuous jurisdictional problem.

The Enabling Acts by which New Mexico, Arizona, and Utah were admitted to the Union specifically required a disclaimer of jurisdiction over Indian country. However, Public Law 280, passed by the Congress in 1953, allows

a State to amend its Constitution to permit the assumption of authority over offenses arising on Indian reservations. Neither Arizona, New Mexico, nor Utah has taken advantage of the law because of the financial responsibilities that it would entail.

The basic legal decision on the issue of state jurisdiction over treaty tribes was rendered in 1832 by Chief Justice John Marshall, who characterized Indian tribes as "domestic dependent nations."

The Cherokee Nation, then, is a distinct community, occupying its own territory, with boundaries accurately described, in which the laws of Georgia can have no force, and which the citizens of Georgia have no right to enter, but with the assent of the Cherokees themselves, or in conformity with treaties, and with the acts of Congress (Cohen 1942:116).

In 1959, the U.S. Supreme Court reaffirmed the position of Chief Justice Marshall in a decision on the oft-cited case of *Williams v. Lee*. This case involved the application of a state's civil process against a Navajo Indian on the Reservation. It was a question of the right of a trader to seize an Indian's sheep and sell them in partial payment of a debt. The Supreme Court reversed the decision of the Arizona Supreme Court and ruled that the State had no jurisdiction over civil affairs on the Navajo Reservation since this would undermine the authority of the tribe to govern itself, an authority which was recognized by Congress in the Treaty of 1868. "If this power is to be taken away from them, it is for Congress to do it" (358 U.S. 217). In 1958, the Supreme Courts of Arizona and New Mexico each ruled that State laws do not apply to Indians on highways within a reservation (Secretary of the Interior Annual Report 1958).

The States wield a great deal of power over Indian affairs through their representatives in Congress. Members from the western states that have large Indian populations are most often assigned to the Committees on Interior and Insular Affairs, and Indians depend to a great extent on local Congressmen to introduce and support favorable bills and to vote for large appropriations for Indian services. The interests of Indians and state governments usually coincide on the issue of bringing Federal money into the state for Indian education and welfare, and conflict on issues of extending authority to the tribal governments. Both tribes and states are eager for Federal funds without Federal authority.

Navajo Participation in the State Authority System

No Navajo, to my knowledge, holds an elective or appointive position of importance in a local State government. A Navajo was once appointed to fill out a term on the School Board in Gallup-McKinley County, but he failed to be re-elected. Some Navajo law enforcement officers are deputized for service in the checkerboard areas, and some may be employed in minor capacities. Until 1948 Navajos could not vote in New Mexico or Arizona despite the fact that they were accorded citizenship by the United States in 1924.

The right to vote was denied Indians on the grounds that they did not pay taxes on real estate, that they maintained tribal affiliations, and that they were wards of the U.S. Government. Arizona had an additional limitation, a literacy qualification for the franchise. Navajos profited from the successful suits brought in New Mexico by a Pueblo Indian and in Arizona by two Mohave Indians in 1948, and have since exercised their right to vote in general elections (Peterson 1957:121).⁴ In 1956 a Navajo ran for State Representative in McKinley County, New Mexico, and polled a high vote. Another ran for State Representative in Apache County, Arizona, in 1958, "to get the Navajos interested in voting," he told me. Both of these candidates ran on the Republican ticket. If the Navajos voted in large numbers, they could control several counties in northern Arizona and substantially affect the voting in New Mexico. Even now, local candidates in the Gallup area have told me that they had to consider the Navajo vote.

The Estimated Navajo Vote

In 1952, approximately 3,000 Navajos of voting age in both New Mexico and Arizona were registered to vote (Peterson 1957:124). For 1956, Larry Moore, at that time Administrative Assistant to the Chairman of the Navajo Tribe, estimated the Navajo vote in the Presidential election as follows:

NEW MEXICO

County	Navajo Vote	% of Total Vote
McKinley	2,515	49%
San Juan	1,205	46
TOTAL	3,720	48

ARIZONA

County	Navajo Vote	% of Total Vote
Apache	495	57%
Navajo	110	57
Coconino	185	47
TOTAL	790	55

(Young 1958:330)

Peterson notes that 81 percent or 3,720 of the Navajos who voted resided in New Mexico, whereas only 40 percent of the tribe are inhabitants of the State (1957:124).

Estimates of the voting in the 1958 election, as compiled for Arizona by the office of Representative Stewart Udall, give the following figures for the Navajo vote:

	Governor		U. S. Senator		U. S. Representative	
	Morri- son D	Fannin R	McFar- land D	Gold- water R	Udall D	Speiden R
Tees To	11	22	0	35	18	14
Kayenta	12	33	7	41	21	21
Tuba City	20	108	21	115	73	53
Red Lake	3	8	1	10	5	6
Leupp	5	24	4	25	9	18
Chinle	17	26	11	34	19	24
Ft. Defiance	23	59	22	61	42	37
Ganado	25	127	19	138	35	108
Lukachukai	17	10	17	10	22	5
St. Michaels	20	71	15	77	64	27
TOTAL	153	488	117	546	308	313

These figures apparently show a slight decrease between 1956 and 1958 in the Navajo vote in Arizona, but it is almost impossible to obtain an exact figure for the Indian vote. It is interesting to note that although for Governor and Senator the Navajo vote is heavily Republican, the popular Udall received nearly twice as many votes as his Democratic teammates.

Because of the Supreme Court's *Williams v. Lee* decision, Arizona has served notice on the Navajo Tribal Council that it can neither control nor finance general elections on the Navajo Reservation. As of 1960, the tribe was preparing eagerly to conduct the Presidential elections in that part of the Navajo Reservation which lies within the boundaries of the State of Arizona (Personal communication from Norman Littell).

Differences in State Attitudes

There appears to be a difference among the States in their current attitudes toward furnishing services for Indians. Utah receives royalties on Navajo oil and gas, which money is earmarked for services to Navajos. New Mexico is more willing to contribute to maintain Reservation roads and to share welfare costs than is Arizona, a fact Arizona officials explain on the grounds of the greater size of the Indian population and the larger area of tax-free Indian land within the State. There are between 76,000 and 78,000 Indians in Arizona, associated with 14 tribes on 19 reservations. The taxable land base for Arizona is only 14 percent of the State's total area; Indian reservations occupy 26.7 percent of the State's land as of 1958 (Kelly, W. 1958:3,6). Young gives the statistics for 1950 as follows:

Arizona

Total number of Indians . . . 66,900 Total land in reservations . . . 30,453 sq. mi.

New Mexico

Total number of Indians 43,500 Total land in reservations 10,544 sq. mi.

The estimated Navajo population for 1958 was: Arizona, 47,296; New Mexico, 22,830; Utah, 1,843 (Young 1958:322, 324, 325).

The Normative Order of the States

Generalizing on the normative order—the values and beliefs regarded as legitimate by the states—is perhaps unwarranted. We may say, however, that all the states agree that Indians are primarily a Federal responsibility. All the states would like jurisdiction over Indians, and freedom to tax their land and resources without being forced to assume the financial burden of Indian welfare. (I assume that all states would like to tax Indian land; however, Arizona is the only one currently pressing for the right to tax Navajo resources, and to tax Navajo business done by the traders on the Reservation.) The three southwestern States that concern us have been willing to admit Indian children to State schools off the Reservation provided the Federal Government feeds and houses these students and pays a per capita sum for each pupil. States will administer schools on the Reservation if they are constructed and financed by the Federal Government.

All states oppose the increase of reservations or further purchase of land by organized tribes. New Mexico successfully resisted the Navajo Boundary Bill of 1937. The city of Gallup is worried about the limits to its expansion which the purchase of off-Reservation land by the Tribal Council already presents. Indians, the local citizens say, do not make economic use of their land.

The three local States all favor the opening up of the Reservation to private enterprise. The Valley National Bank of Phoenix proposes that the Indian tribes incorporate, place their affairs under trust management, and draw dividends as individual stockholders in the corporation. The Federal Government would be asked, in lieu of present services, to contribute the working capital for the enterprise (Shiya 1956). The States (again with Arizona taking the lead) would like to see the Navajo Tribe waive sovereign immunity from suit.

As for termination of the reservations and the liquidation of the Indian Bureau, State attitudes might be described as ambivalent. Between \$40 and \$50 million are spent annually by the Federal Government on Navajos alone, and the States are not anxious to take over the financial responsibilities that termination would require. Thus, although the Bureau is denounced alternately for pampering the Indians and for trying to "dump them on the States," complete withdrawal would be advocated only for the distant future.

From my many conversations with the residents of the local States, I would venture to say that most of them would prefer to see the Navajo Tribal Council give up its political activities and confine itself to economic pursuits. The dual citizenship that a State vote and a tribal vote confers has been deplored by State officials, particularly the Attorney General of Arizona (*Newsletter* April 1959:4). Some people believe that it is through the development of the

Tribal Council and the experience of self-government that Navajos will learn to play their full role as citizens. Local Congressmen, particularly Clinton Anderson, Stewart Udall, and Barry Goldwater, have sponsored bills which tend to strengthen the Navajo Tribal Council. Stewart Udall writes in a personal communication that he favors the encouragement of the Navajo Tribal Council as a sovereign, or nearly sovereign, political body, "an excellent training school for leadership" (April 20, 1960). Barry Goldwater writes: "The Navajo Tribal Council has been one of the shining examples of Indian self-government and I would certainly want to see its development continued" (March 2, 1960).

Perhaps the real test of State attitudes will come only when the Bureau of Indian Affairs withdraws and the immediate future of the Navajo Tribal Council is at stake.

CHAPTER VIII

The Authority System of the Navajo Tribal Council

THE MODERN Navajo political system, exemplified by the Navajo Tribal Council, exercises rational-legal authority over the Navajo Tribe. It is modeled on the American governmental system of a representative legislature elected by universal suffrage. Obedience is owed to a legally established impersonal order. Positions in the authority system correspond to Weber's definition of a bureaucracy: "The authority to give commands . . . is distributed in a stable way and is strictly delimited by rules concerning the coercive means . . . which may be placed at the disposal of officials" (1958:196).

As we have seen, the legitimacy of the Navajo Tribal Council derives ultimately from the Treaty of 1868 whereby Congress recognized the sovereign right of the Navajo Tribe to sign a treaty. The majority of the tribe concurred in the advisability of accepting peace and consented to the move from Fort Sumner to the Reservation; at this point the tribe surrendered its full sovereignty and became a "domestic dependent nation" subject to the plenary power of Congress.

Opinions differ on the degree of sovereignty that the Navajo Tribe retains. Hoebel regards an Indian tribe as "sovereign up to a point," while Fitzgerald maintains that the tribes lack important elements of sovereignty (Baerreis 1956:4, xiv). The two chief lawyers for the Navajo Tribe have expressed what appear to be differences of opinion. Joseph McPherson, Assistant General Counsel for the Tribe, is quoted as saying that the Navajo Tribe is a sovereign nation whose sovereignty long precedes that of the Federal Government and therefore is not limited by the Constitution of the United States nor by the Fifth Amendment (*Journal of the Navajo Tribal Council* January 1960:29). But the General Counsel, Norman Littell, speaking to the Council, has said: You are not an absolute sovereign. You are a sovereign within a sovereign, within several sovereigns. . . . The practical matter is . . . that you were a sovereign to the extent that the sovereign doctrine survives within a sovereign, and you are subject to the plenary powers of Congress (*Navajo Tribal Council Minutes*, August 1959:314, 317).

So far, we have discussed the type of authority exercised by all Indian treaty tribes. The specific power of the Navajo Tribal Council as presently constituted derives from *Rules for the Navajo Tribal Council*, which were written by the Bureau of Indian Affairs, and based on bylaws developed by the Tribal Constitution Committee and approved by the Secretary of the Interior, Harold Ickes, in July 1938 (Navajo Agency 1947:2). Authority has been delegated piecemeal to officers and committees by the Council. In 1947, an Executive Committee (called an Advisory Committee) of nine members was constituted; its procedures were crystallized in 1951. The Advisory Committee usually meets for two weeks out of the month while the Council meets quarterly. Committees on Health, Welfare, Education, Law and Order, Relocation,

Resources, and Loans are headed by Delegates appointed by the Council Chairman. Delegates and Committee members are paid for the number of days served; only the officers and salaried personnel are paid for full-time work.

The 74 Council members are elected every four years. Originally one Delegate was to be elected for every 400 or 500 tribal members, but there has been no reapportionment by population since 1938. Council delegates are nominated in local community conventions (now conducted by the local Chapters). At this same convention a delegate is elected to a Province Convention and is instructed to vote for the community's choice for Tribal Chairman. The four Province Conventions each nominate a candidate for Chairman. The nominee then selects a candidate for a Vice-Chairman and the two run on a single ticket on an all-Reservation basis. (See also Chap. XIII).

The Navajo Tribal Council makes the major policy decisions for the tribe, subject to the approval or veto of the Secretary of the Interior. Until the incorporation of the local Chapters into the Council system in 1955, the Delegate bore the sole responsibility for linking his community to the center.

The Administration of the Tribal Council at Window Rock is the full-time executive branch of the organization. The chain of command reaches from Chairman to Vice-Chairman to Executive Secretary. The Chairman has important appointive powers and he is responsible for the executive branch. Directly attached to his office are the Legal Division, the Land Investigations Division, and the divisions of Public Relations and Information and of Research and Planning. In addition to his executive functions, the Chairman is the tribe's official representative to the outside world.

A reorganization in 1959 increased the importance of the Executive Secretary, who now has under him the three major divisions of Public Services, Resources, and Administration. The Division of Public Services comprises: Health, Education, and Welfare, Community Development, Industrial Planning and Development, Public Work and Housing, Police, Probation and Parole, and Special Programs. Under the Resources Division are: Agriculture and Livestock, Tribal Enterprise, Mining, Oil and Gas, Ground Water Development, and Special Programs. Under Administration are: Controller, Treasurer, Employment and Personnel, Construction, Vital Statistics, and Special Programs. This latest list of departments and offices indicates the broad scope of tribal activities.

Each department has a number of employees; some of the experts are non-Navajo, but a considered effort is being made to train Navajos for the professional positions. The Administration's model is the Bureau of Indian Affairs, since many of the activities of Bureau and tribe dovetail. The Administration personnel are not on Civil Service as are the Bureau personnel, but they are in the Social Security system.

The judicial branch of the tribe's government consists of seven judges, one of whom serves as Chief Justice of the Appeals Court. Under the Tribal Courts are Criminal, Civil, and Probate Divisions (Navajo Tribal Council *Functional Statements* 1959) (*Navajo Times*, November 1959:3).

As of 1960, there were 1,230 Navajos employed by the Tribe exclusive of the Public Works Program; 750 are in classified positions; approximately 5 percent of the positions are filled by non-Navajos.

SANCTIONS

Resolutions of the Navajo Tribal Council are enforced by the Navajo Courts of Indian Offenses, the Navajo police, and the Federal Government. Felix Cohen says:

The powers of an Indian tribe in the administration of justice derive from the substantive powers of self-government which are legally recognized to fall within the domain of tribal sovereignty. . . . The decisions of Indian tribal courts, rendered within their jurisdiction and according to the forms of law or custom recognized by the tribe, are entitled to full faith and credit in the courts of the several states (1942:145).

Indian Courts, as we have said, have jurisdiction over all cases except those involving Federal offenses, the eleven major crimes, and non-Indians (other than cases of debt). Navajo Courts are located at Fort Defiance, Chinle, Tuba City, Shiprock, and Crownpoint. Other areas have circuit courts that serve smaller districts. As of 1959, the seven judges are appointed by the Navajo Tribal Council after a Judiciary Committee has screened the applicants. One of the judges, designated Chief Justice, appoints the judge who is to try a case when a change of venue is justified, and supervises appellate procedures. Navajo judges do not have legal training but receive guidance from the tribe's Legal Department. They adjudicate the regulations promulgated by the Department of the Interior for all Indian Courts, the resolutions passed by the Navajo Tribal Council, and a fair amount of Navajo customary law. The 1959 tribal budget provided for 126 law enforcement positions, including the Navajo police and administrative personnel connected with law and order (Young 1958:143).

LOCAL ORGANIZATIONS

Until 1955, the most important local organizations, the Chapters, had no official connection with the Navajo Tribal Council. In that year, some Chapters petitioned the Council for per diem pay for Chapter officers. Chapters are now an integral part of the Council system. The Council certifies the Chapters, requires them to file regular reports of meetings, and pays per diem salaries to each President, Vice-President, and Secretary. These local organizations handle welfare applications to the Council, conduct the primary elections, plan and administer the Public Works Program for their area, and are the principal means of communication between Council and community. The Chapters must depend upon the authority of the Council and its Courts to enforce their decisions. Officers are elected by a standing vote, ideally each year, but in practice, whenever the Chapter sees fit. No bylaws have been promulgated for the Chapters since the 1920's. Decisions are made by majority rule.

Local Grazing Committees have been part of the Council system since 1948, when the tribe assumed the responsibility for district grazing regulations. There are 77 members of the Grazing Committees, chosen in local elec-

tions. They administer locally the grazing regulations adopted by the Tribal Council and approved by the Secretary of the Interior. Areas of authority for Delegates, Chapter Officers, and Grazing Committee members are not always clearly defined and the situation gives rise to frequent jurisdictional disputes.

THE NORMATIVE ORDER

The modern Navajo authority system, like the traditional Navajo system and the Federal and local States systems, concedes that Indian welfare is a Federal responsibility. Navajos lean heavily on the Treaty of 1868 and the "failure of Washington to live up to its promises," forgetting, possibly, that Navajos did not live up to their promises of staying on a reservation and sending their children to school. The right of Indian tribes to self-government is enthusiastically embraced by contemporary Navajo leaders.

The basis for political consensus among Navajos, educated and uneducated alike, is the shared belief that the Reservation and its resources should be kept intact for the tribe as a whole. In the old days, all that the traditionalists asked was to be let alone. Even today there is no general desire for de-tribalized assimilation into the mainstream of non-Navajo life, although there has been some acceptance of dealing with white American society. Peaceful coexistence, with plenty of aid and no strings attached, is what all Navajos would like to enjoy—and in this they do not differ from many nations. Navajos regard the strengthening of the Tribal Council as essential in the face of Bureau withdrawal. The local States, they feel, are solely interested in taxing and/or in taking away Reservation land. Most Navajos oppose the allotment of land to individual Indians or the division of all tribal resources per capita. It is generally felt that the Bureau of Indian Affairs should be retained as a kind of technical aid mission, but overall Federal authority should be curtailed.

Navajos want the Reservation developed so that they and their children can stay near home. Permanent relocation, off-Reservation seasonal work, and the education of Navajo children in distant schools are viewed as necessary evils that every effort should be made to eliminate. Jobs, schools, and hospitals should be provided on the Reservation so that relatives and friends can stay together. There should be no further stock reduction since the whole program was wrong in the first place. Navajo interests are paramount, and the welfare of other Indian tribes is not the direct concern of the Tribal Council.

Divergent Interests

There are three types of diverging interests: occupational, modern-traditional, central-local. All of these differences are reflected in the Navajo Tribal Council.

Stock reduction, which made it impossible to amass large-scale individual wealth on the Reservation, halted the development of a Navajo class society, if we define "class" in terms of ownership or nonownership of the means of production. Big stockowners were formerly able to hire herders on shares in a form of peonage. How far this development could have progressed in view of limited land and limited range is hard to estimate. Today, some small businessmen hire

workers, but this practice cannot go far toward creating a class society, although a stratified society, ranked by prestige, is possible. There are, however, distinct occupational groups with differing, if not always conflicting, interests. Stockowners, farmers on irrigated land, businessmen, wage workers, bureaucrats, veterans, and welfare recipients each have special problems. Budget sessions of the Tribal Council bring into focus the various orientations as the representatives of the groups press for grain, water, loans, jobs, social security, veteran benefits, and welfare. Experienced Councilmen are more likely to have developed an all-tribal orientation than are newly elected Councilmen, many of whom are interested first in themselves, then in their community, then in their district, and lastly in the tribe. Only a few Navajos, doubtless because of the overwhelming difficulties which their own people face in making a living on inhospitable soil, have much interest in, or consideration for, the country as a whole.

There is a deep cleavage between modern, educated Navajos and the uneducated traditionalists. Most of the traditionalists now accept the inevitability of change but they wish if possible to slow down the rate of change. They prefer the old pre-Collier Bureau of Indian Affairs, which gave out sheep and wagons and plows and sent out headmen to "talk things over with the People." This "good old Government" gave out services and cost nothing. Traditionalists fear the States, State schools on the Reservation, the leasing of Navajo land to industries or for townsites, the building of modern communities, voting in Federal and State elections—anything that will bring on taxes and termination. They cannot share in many of the Tribal Council services, such as modern jobs, scholarships, and training in methods of farm irrigation. They want more sheep, and if no sheep, a welfare check.

Younger Navajos want to modernize. They have developed a taste for comfortable housing, more clothes, cars, radios, movies. They like a regular pay check. They want their children to be educated and to speak English. They want modern communities on the Reservation, industries on the periphery, large-scale irrigated farming. They want to be accepted in American society if and when they choose to venture into it. They believe in citizenship in the Tribe, in the State, and in the U.S.A. They talk about veterans' rights and the Four Freedoms. They want to see young people get ahead in the tribal organization.

A further divergence appears among the three levels of political organization: the Tribal Council Administration, the Tribal Council Delegates, and the local community groups. Those in the Administration are oriented toward the development of a Navajo nation and the building of a state within a state, and in this they are heartily supported and encouraged by most of the Administration's white employees. They want to construct an impressive Navajo Capital at Window Rock. They want to build a modern community for their employees. They work for tremendous annual fairs, a huge Civic Center, an enormous motel at Window Rock. They are worried about the attitudes of outsiders toward the Council, about the press and the public. They believe the tribe must assert its initiative against the Indian Bureau, against the States,

against the companies who treat with them. Above all, they must oppose the Bureau. In discussing oil leases, Council Chairman Paul Jones wrote in the *American Indian*:

That was a decision which we made for ourselves in the face of advice to the contrary by the personnel of the Bureau of Indian Affairs and the Geologic Survey. We differed in our opinion, and we decided the question for ourselves (1956:25).

In a telegram to the Navajo Tribal Council, the General Counsel for the tribe, Norman Littell, said:

Navajo leadership has had the courage to disregard opposition in the Indian Bureau and the U. S. Geological Survey objecting to reform of oil and gas leasing procedures.

You have followed your own advisors whose opinions were pitted against the great prestige of the U. S. Geological Surveys and the oil companies. The result is an unprecedented break-through to the highest level of participation by landowners in the value of their oil and gas which I have been able to discover anywhere in the United States or abroad. Navajos yet unborn will be indebted to you. Regards and warmest congratulations, Norman Littell (Navajo Tribal Council *Minutes* August 1959:295).

Joseph McPherson, Assistant General Counsel, said: ". . . if you do not like the purpose for which the United States requests the withdrawal [of land], just tell them to put it on the Apache Reservation" (*Journal of the Navajo Tribal Council* January 1960:30).

Delegates to the Council are primarily interested in their localities. If a motel is to be built, they want the building in their community. The Delegate from Black Mountain points out that the people in his district do not even have furniture in their hogans and so are not particularly interested in big Council buildings. They want tribal money spent on Councilmen's salaries, on emergency grain, on the Public Works Program.

The local communities are even less interested than the Delegates in the "national" development of the tribe. Those who live at some distance from Window Rock are not interested in "opening the purse" to pay for a six-million-dollar Navajo Capital, nor are they interested in the prestige appearance of tribal leaders off the Reservation. They want their leaders to talk to them—not to outsiders. Navajos in the local communities want roads, schools, wells, bridges, hospitals, sheep, and jobs, and they do not care whether the tribe or the Indian Bureau provides them. I was surprised at how little criticism I heard locally against the Bureau's "Agency Indians," whom I expected to find thoroughly distrusted by other Navajos; they were respected and liked, so long as they behaved well. Since the Council has taken over some of the unpleasant Bureau functions, such as grazing control and maintaining law and order, Navajos react against the Council rather than against the Government. However, despite the grumbling, which rose to bitter dissension during the 1959 tribal election campaign, Navajos feel that the Council belongs to them; that they can influence its decisions more readily than they can influence Washington. Their Navajo Tribal Council may be an imperfect instrument of government, but perhaps, one day, it will work even more than it does now, for the good of the People.

CHAPTER IX

The Interaction of the Systems and Their Role Relations

FOUR political authority systems—traditional Navajo, Federal, local States, and modern Navajo Tribal Council—interact to produce the total political system, to make the severely sanctioned choices for Navajo Indians. Each of these systems has its area of independent authority, but they also overlap, cooperate, compete, conflict, and intertwine. The last three chapters dealt with the formal aspects and the normative order. This chapter will deal broadly with the interaction of the systems and how this affects the component role structures. Each system has its own role structure; at times one man may play roles in several structures simultaneously. Role players in the different systems hold mutual expectations. Conflicting commitments and conflicting role definitions make for strain, and strain in a society influences the direction and the rate of change which is, in our case, the process of institutionalization of a new political system.

HOW THE SYSTEMS INTERACT

The traditional Navajo system continues to function, not as it once did, to be sure, but with enough vitality and in enough areas to be readily identified. Whole sections of Navajo life have scarcely been touched by the outside systems. Traditional family life, polygyny, clan alignments, forms of economic cooperation of extended families, matrilocal residence patterns, outfits or cooperating groups, all these persist. Old land-use patterns, traditional forms of recreation, informal discussions and informal decisions, resolve many local problems. Witchcraft accusations even now are used as a means of social control. Old leaders still exert informal authority. The traditional ceremonial order flourishes and is almost completely outside of the control of other "chains of command."

On a national level, the Federal authority system exerts ultimate political control over all other systems. At this level it meshes with the systems of the local States, and here the interests of all four systems meet, sometimes in accord, sometimes in discord. Three of the systems are in accord on what they desire from the fourth, the Federal Government; namely, money, services, authority, and freedom from control. At this level there is a continuous, often unpredictable, series of alignments and realignments around each specific issue.

On a local level, the Federal system, as embodied in the Bureau of Indian Affairs, overlaps at points with the modern Navajo government. At times it protects and supports, at other times opposes, the older Navajo patterns. The Bureau of Indian Affairs in the past has brought great pressure to bear upon traditional economic and political behavior by such measures as stock reduction, enforced education, and formal rules of law and order; but the days of the "big push" are over. The traditional system has worked out a modus vivendi with the Bureau. "We're used to the Government," I was told by a number of

Navajos. Old Navajos appreciate the familiar patterns of aid and interaction. The jurisdiction and functions of Bureau and Council are constantly being defined and redefined through cooperation or through struggle; and the Council is taking over where the Bureau leaves off.

The local States do not interact so intimately with either the traditional Navajo or the modern Tribal Council system. Reservation Navajos in remote areas can largely avoid the States except in so far as they are tied to the local market. Increasingly, however, there is cooperation or conflict between the organized Tribe and one or another of the surrounding States. On the local, as well as on the national level, Federal, State, and modern Navajo systems are jockeying for position. The States want land, taxes, and jurisdiction; the Indian Bureau wants to unload responsibilities on the States without jeopardizing Navajo land, resources, or authority; Navajos want Federal and State aid without Federal or State control.

The modern tribal Council system, stimulated by, and modeled upon, the Federal authority structure, at the same time grows out of traditional Navajo society. Representing thus in some measure a fusion of two systems, it is nevertheless redefining Navajo social life. From a family-centered, locally oriented, loosely structured, non-authoritarian society, a collectivistic, tribe-centered, authoritarian, nationalistic modern state is being created. In the long run, the Council and the Bureau have similar objectives: development of the Reservation; preservation of tribal resources; a higher standard of living; universal education; a stronger Indian government. Quarrels with the Bureau are over means, not ends. The traditional system, as it interacts with the modern system, slows up the rate of change, reinterprets the modern political forms, obstructs the growth of decisive leadership, resists formal rules, fosters nepotism, hinders communication. But by not moving completely in the direction of modern American life or completely in the traditional direction, the Navajo Tribal Council has achieved a working consensus of both young and old Navajos, a consensus that validates the legitimacy, and leads to the institutionalization, of the new political system.

ROLE RELATIONS

An examination of the structure of the political roles will show how the systems actually work; how the individual in a socially defined role meets the expectations of other role players, how values are implemented, ideas put into action, and adjustments made.

Roles in the Federal System

The top Federal roles that concern Indian affairs are those of Secretary of the Interior and Commissioner of Indian Affairs. We have noted that both offices are appointive, and therefore strictly political. The role of Secretary of the Interior is variously defined by the President, who makes the appointment and who includes the Secretary in his Cabinet; by Congress; by the political party of which the Secretary is a member; by varying public interests; and by the different Bureaus that make up the Department of the Interior. Any and

all of these definitions may conflict. Within the Department of the Interior, many Bureaus have interests that at times oppose those of the Bureau of Indian Affairs and more specifically the interests of the Navajo Tribe. For example, the tribe won a trespass case against the Bureau of Land Management; and there was a case pending as of 1960 against the Bureau of Mines for wasting Navajo helium. Again, the tribe argues with the Bureau of Reclamation over water rights, with the National Park Service over problems of National Monuments on the Navajo Reservation, and with the Secretary of the Interior over conservation policies that conflict with Navajo plans for control of their own resources. It is because the Secretary of the Interior must take into consideration the interests of all the Bureaus that the Navajos particularly feel the need to exercise more authority, and it is one reason why they listen so carefully to the advice of their own attorneys. While Congress exercises ultimate authority over the Secretary of the Interior, Congressional Committees give weight to the opinions of the Secretary on matters concerning natural resources, public land, and the Indians.

The office of Indian Commissioner is more limited in definition. A former Indian Commissioner told me that the position was not a "plum" but a "headache post," and therefore did not figure as a political reward. The Commissioner is usually from New Mexico (New Mexican by birth, by residence, or by employment), presumably because of the practical experience with Indians which he has been able to amass. The role of Indian Commissioner is variously defined by the President, Congress, the Secretary of the Interior, officials of the Bureau of Indian Affairs, the local States, special interests, and the various Indian tribes, and lastly by the public at large, whose views are often focused by the several Indian-rights associations. The Indians are usually not consulted on the choice of Commissioner, but the Navajo Tribe endorsed the appointment of a Gallup banker, Glenn Emmons, because of his record of fair dealing with Navajo clients. One might also expect this post to be distinctly defined by the competing political parties, but Indian policies appear to be either bipartisan or to cross party lines. Termination is a bipartisan policy, advocated by the Hoover Commission (1949:65), enacted into law under President Truman, vigorously implemented by his appointees, and continued under President Eisenhower. The Indian Commissioner is expected to carry out the national Administration's policy.

Most of the officials of the Bureau of Indian Affairs attain their positions by Civil Service examinations and enjoy tenure and retirement benefits. They are spared immediate political considerations in their selection, but there are many ways in which the Civil Service can be manipulated by the party in power (Mills 1957:239). Conflicts develop within and between Bureau roles. Standards of recruitment and promotion may change. For example, preferential rating by education and formal degrees may supersede rating by length of experience in the field. White Bureau employees play their roles principally in a single authority system, since the Hatch Act limits their participation in the Federal, State, or modern Navajo political role structure. Conflicts within their roles take forms common to all hierarchical systems and to all administrative

units that are not at the same time top policy-making bodies. That is, a role player may be expected to carry out directives with which he is not in sympathy. The difficulty of adapting to radical changes in program and method which may come with each new national Administration is expressed by Kneale in *Indian Agent* (1950:381, 382). A Bureau official may be made to suffer for the offensive acts of a predecessor, or because his role has been unfavorably stereotyped in the popular mind. As the holder of a Civil Service position, he has been promised job security; as an Indian Bureau official, he is expected to prepare for the eventual elimination of the entire Indian service.

Clashes between role players arise when individuals are forced to compete for a limited number of positions. In a hierarchy, there may be conflicts between echelons, or between roles on the same level or on different levels. Higher officials often find their policies distorted as they are applied by lower officials. Policy failures in the Bureau of Indian Affairs are frequently blamed on lack of financial help from Congress, on mistakes of subordinates, on half-hearted support from higher officials. Examples of such recriminations are found in the writings of John Collier, Albert Kneale, and Elizabeth Ward (Spicer 1952:205) (Kneale 1950:372) (Ward 1951:29).

The area offices are often under pressure. Gallup Area officials, for example, must face the diverse expectations of Washington, of Arizona, New Mexico, and Utah, of Bureau employees, and of local non-Indian citizenry, as well as the conflicting demands of the various tribes under their jurisdiction. (A thousand miles away, on a San Francisco TV station, these officials were at one time denounced as a "bunch of bureaucrats reading comic books.") Traders, missionaries, anthropologists, "do-gooders," tribal employees, tribal lawyers, and local residents criticize the Bureau for going too fast; for going too slow; for preserving Indian tribes as a Museum; for destroying the tribes; for neglect; for paternalism; for waste; for penury; for weakness; for domineering strength. All the dissatisfactions of the actors in the Indian situation are projected upon the Bureau of Indian Affairs.

The role player in the field faces further conflicts. He is expected to live in close contact with other Bureau employees under the constant scrutiny of Bureau officials. Tensions arise, as they do in a company town or in Washington, D.C., among coresidents who are also coworkers for the same employer. In the field, the Bureau employee must meet the expectations of the Indians he is "administering." Their standard of a good administrator is the kind friend, the generous and sympathetic relative, the arbiter of disputes. To the Bureau, the Federal Government, and the outside world, such a definition of a Bureau role is rank paternalism.

The Navajo employee of the Bureau has the additional problem, often dilemma, of simultaneously playing roles in two systems. By birth and by residence, he is part of traditional society. Prevented from acting directly in the modern Navajo system, he may find himself enjoined to behave in opposition to Council policies, whereas in his Navajo role he is expected to uphold the decisions of the organized tribe. If he is required to administer an unpopular program, he will provoke antagonism among his fellow Indians which exceeds

the antagonism provoked by his non-Indian colleagues. Navajos expect him to represent Navajo interests; the Government expects him to secure general acceptance of Federal policy. Trained in one kind of leadership system, he must function adequately in a very different type of administrative order. Special strains, comparable to those which obtain for non-Navajo employees of the Tribal Council, converge upon the "Agency Indian."

Roles in the Local State Systems

Local Congressmen meet conflicting expectations at the national and State levels. As a national leader, the State Representative or Senator is called upon to legislate on matters affecting the country as a whole, and on matters that may benefit or injure his own state. Demands are placed on him by his political party and by special interest groups within his state. He must be able to maintain a delicate balance, please enough people, meet enough expectations to be re-elected by popular vote. At times the interests of Indians, the State, and the nation coincide; frequently they do not. Homesteaders, cattlemen, wool-growers, farmers, mining and oil company executives, and businessmen may have mutually exclusive goals, and, depending on the relative weight of their organized strength, they influence the Congressmen. A detailed study of this aspect of southwestern Indian affairs is yet to be made.

Local state, county, and municipal officials can concentrate more particularly on the demands of their own territory and their own special interest groups since they regard the Indians as a Federal responsibility. That the area they administer was once Indian land, they conveniently forget. Because Indian participation in general elections is still slight, the role of defending Indian interests may go by default to southwestern businessmen whose commerce depends on Indian welfare.

Since political office is not a dependable lifetime occupation the politician may also be an oil man, a mining operator, a big rancher, a lawyer, a trader. The definition of his occupational role may conflict with his public role as it touches Indian affairs.

Roles in the Navajo Tribal Council System

Roles in the Navajo Tribal Council system can be divided into four groups: tribal lawyer, elected officers, elected Delegates, and hired personnel. The General Counsel of the Navajo tribe occupies a unique and very powerful position which will be analyzed in the chapters to follow. The role of Chairman (jointly with his chosen Vice-Chairman) is the only modern political role now subject to an all-tribal popular election. In order to receive the majority of votes cast, the candidate for Chairman must be sufficiently rooted in the old culture to be "trusted." I do not believe that any Navajo could be elected in a Reservation-wide poll without the support of the traditionalists. He cannot be young, because middle-aged and older Navajos do not respect the wisdom of youth. He must speak English as well as Navajo (a requirement which gives an advantage to former interpreters); he must be at home in a hogan or at a Sing and equally at home in an American house, in a church, at a Government ban-

quet, or before a TV camera.¹⁶ As chief executive of a modern political system, he is expected to show business ability, decisive leadership, organizational skill, and efficiency. In these areas he must meet modern American standards, deal diplomatically with Government and State officials, negotiate with oil companies, and obtain concessions from white men without becoming a white man's rubber stamp. He must represent his tribe to the outside world. He must legislate for the good of his people with the skill of a modern politician as well as with the modesty and conciliatory methods of the old *natani*. If he modernizes the Reservation too fast, he fails the Long Hairs; if he goes too slowly, he disappoints the Moderns. If he tries to preserve tribal resources for the People, he is accused by white men of favoring socialism over free enterprise and of leading his tribe away from, rather than toward, modern American life. If he backs a public works program, he is criticized for "sharing the wealth"; if he does not, he is accused of ignoring the welfare of the individual Navajo. His election base is the whole Reservation; his field of activity is the whole country.

Perhaps the most fundamental conflict in the role of Council Chairman is between the expectations of his People and the limited power he wields as titular head of a "domestic dependent nation" in a "colonial" setting. The limitations on his power either inhibit him from making election promises, or, if he is incautious, make a liar out of him. "He lied to us; he told us he would get us back our sheep," a Navajo said to me of a former Chairman.

The Vice-Chairman faces similar problems, but since he is chosen by the Chairman after the nominating conventions, he need not show initial electoral strength. His is a slightly more limited sphere of action; in the case of the present Vice-Chairman, a Long Hair, his principal role is that of representing the Council Administration to the tribe as a whole. He must, however, be sufficiently oriented to modern tribal development to master techniques of parliamentary procedure, since he serves as Chairman of the Advisory Committee. He must be able to "sell" the Council program to the older people; he must allay the fears of the traditionalists as the tribe moves in the direction of white American society. In a study of Navajo Chapters made in 1957, Green found that the present Vice-Chairman consistently attracted the largest attendance at Chapter meetings all over the Reservation.

The role of Delegate or Councilman entails the conflicts of elected office. However, a Navajo Councilman runs only in his own community. Theoretically he appeals to a constituency of 400 to 500 voters; in practice he may represent a community varying in size from 1,200 registered voters (Shiprock) to 160 (Fruitland). (In the 1959 elections, the highest electing vote was 712 in the Mariano Lake precinct, the lowest was 25 in the Lechee precinct.) The delegate deals with his constituents on a face-to-face basis. Navajos like to vote for people they know personally, even for the top offices. The Delegate need not campaign openly, speak English, or be educated. The standards of efficiency and expectations for decisive leadership, to be shown either at Window Rock or in the community, are low. That is, the Delegate is close to the traditional system. But since he faces traditional Navajos directly and frequently, he must bear the brunt of criticism for any unpopular decision or act of the Council, of

the Staff, or of the Advisory Committee. Older Navajos neither understand nor trust delegated authority. "We don't know what they're doing in Window Rock; they're not talking it over with the people."

The office of Delegate does not carry a full-time salary, with the result that the incumbent faces a conflict between his role of legislator and his role of bread-winner. He may "angle" for appointment to committees either by vigorous support of the Administration or by vigorous opposition, in which case he may be put on a committee in order to silence him or win him over. If he accepts tribal employment on the local Grazing Committee or on Public Works, he is criticized. If he appoints relatives to Public Works positions he is accused of nepotism, yet as a Navajo, with roots in the old system, he is expected to favor his family. Window Rock expects him to be active, aggressive, efficient; the community expects him to be modest and self-effacing, conciliatory at home but vigorous in promoting the community's interests at the Capital. He is directed by the Council to explain policies to his constituents and to poll the community for opinions. Transportation difficulties, shortage of funds, and the problem of calling meetings often make this an impossible assignment. Equally difficult, if not impossible, is the expectation of the Delegate's constituents that he will obtain for them the many costly services that the community needs. Because of the closeness of the Delegate to the traditional system at the local level, modern Navajo political leadership tends to develop first at the center rather than at the grass roots.

The role conflicts of Navajo hired personnel on the Navajo Tribal Council staff are not so great as are those of elected officers. These employees have only one standard to meet—modern efficiency. They do not face an angry electorate when they have made an unpopular decision or have failed in a task. At most, if they head departments, they must meet general criticism as it is reflected on the Council floor. I believe that modern tribal leadership is developing most rapidly and most solidly in this area where young Navajos can obtain expert positions because of superior training without having to cope directly with the distrust of the older people. A young Navajo may receive his first political experience by being elected to the Council, but this is rare unless he comes of a large and important family or clan in his locality. Recently, however, several young Navajos have been elected to the Council after first serving an "apprenticeship" in a salaried Administration position.

The most important salaried position is that of Executive Secretary. The incumbent has survived several changes in Council leadership and has been able to function as a modern businessman or efficiency expert without having to play a vote-getting role. Tribal needs for trained personnel act as an incentive for young Navajos to become better educated. The holders of Tribal Scholarships are urged, but not required, to serve the Council after they have finished their schooling.

There is a tendency for several members of the same Navajo family to obtain skilled positions with the Council or in the Indian Bureau. This of course is apt to arouse charges of nepotism, but often there are other explanations. In the first place, except for a few positions with traders, missionaries, and gas and

mining companies, only the Tribal Council and the Federal Government (and more recently the State schools) offer permanent skilled jobs on the Reservation. Secondly, to hold such jobs, an Indian must be educated, and certain Navajo families have valued education and off-Reservation experience for their children. Sometimes this may be because the family itself is relatively wealthy and sophisticated; but in other instances parents have had the foresight to educate their children at some sacrifice to themselves. One Navajo, about forty years old, said to me, "My father saw it coming, the time when Navajos would have to get along with white people. That's why he had us all educated. Some of us didn't make it, but four of us did—we all graduated from high school."

White, or non-Navajo, employees of the Council hold expert or managerial positions. There is a high rate of turnover in these positions, which indicates strain since the salaries are fairly good. And the strain is understandable. These positions do not have the security of Civil Service. Moreover, role expectations are conflicting; efficiency alone is not enough. The non-Navajo employee must be aggressive, but not domineering. He must be able to work with over-sensitive, nationalistic Navajo leaders who are his superiors but who do not wish to bear the responsibility for an unpopular decision. Consequently, the non-Navajo is the convenient scapegoat for the failure of any program.

There is much jockeying for power, particularly for influence over a few key Navajos. The General Counsel and his legal staff are far ahead in this race. They thrive by attacking the Bureau, the "do-gooders," the local states, the anthropologists, and, above all, the former Commissioner John Collier, and his lieutenant, Superintendent Sy Fryer. This is popular stuff with some of the more nationalistic Navajos, but the extensive power of the legal staff is often resented by the other Administration employees.

Role conflicts for a non-Navajo employee compare with the conflicts in the role of "Agency Indian." The white employee arouses greater antagonism in the white community than does a Navajo leader when he espouses Navajo interests. The Council's policy of training Navajos to take the top positions, a policy in which the white staff member must in all honesty concur, makes him readily expendable. In the 1959 Council elections, the charge of hiring too many white men at too high salaries was hurled at the Administration. A white employee, trained in the severe competition of modern society, may find it difficult to adjust to the slower rate of speed of Navajo society. Former employees of the Indian Bureau who have accepted tribal positions, (and among them are anthropologists and a former General Superintendent) appear to adjust more easily to the tempo and to the strains, perhaps because of their previous experience in dealing with the four authority systems that are interacting in the Navajo political situation.

Roles in the traditional system have already been analyzed in Chapter VI. This tangle of political role relations has been presented in some detail in order to highlight the very complex tasks that face the tribal leaders in particular, as they strive to perfect a modern political system in a traditional society in a "colonial" setting.

CHAPTER X

The Historical Development of Self-Government Among Navajos

THE HEADMAN SYSTEM

WE HAVE seen that the Navajo tribe at the time of the Conquest had no centralized corporate group in which ultimate authority resided. The United States therefore governed the tribe through a system of Government-appointed chiefs or headmen, who served as liaison officers between the Navajo Agent and the members of the tribe. Van Valkenburgh describes the headman as follows:

The Head Chief was appointed by the Agent, with the approval of the Secretary of the Interior. The regional *naat'aanih* were issued cards in place of canes and medals. There were some thirty recognized *naat'aanih* in 1900. Should some untoward event take place in a certain region, the Agent would contact the Head Chief who would send a messenger to the *naat'aanih* of that region, with orders to report to Fort Defiance in so many days. When the *naat'aanih* arrived, the problem of his region would be discussed with the Head Chief and any leaders who might be involved. Since the Agent was supported by the military at Fort Wingate there was little dickering or disobedience. The *naat'aanih* was directly responsible to the Head Chief who was responsible to the Agent. Few councils of the whole tribe were held. About once a year all *naat'aanih* were called in and then only problems of tribal importance were discussed. This system was of course synthetic, a continuance of the old military system at Fort Sumner in 1865 (1945:71, 72).

The headman represented his people to the Agent, and in turn the Agent to his people, on matters of yearly rations, law enforcement, and Indian Office programs. In some cases the appointment of a headman only confirmed de facto leadership; in some cases Government recognition destroyed the prestige of an informal local leader. Recalcitrant headmen were either ignored or replaced (Kluckhohn and Leighton 1948:71) (Kimball and Provinse 1942:24).

THE FIRST NAVAJO TRIBAL COUNCIL

When oil was discovered in 1921 near Shiprock, in the San Juan or Northern Navajo Jurisdiction, the first oil lease was approved by a "general council" or assembly of the Indians of the district. It had been the practice for district headmen to meet with oil and mining prospectors without consulting other local leaders. The Navajos of the Shiprock area believed (and still do) that benefits from the resources of the area should accrue to its inhabitants. Several leases were negotiated locally but were disapproved by the Secretary of the Interior, owing to a change in Department policy. The new policy held that oil and gas discovered anywhere on the Reservation should be the property of the tribe as a whole. Some oil leases were negotiated in 1922 by a "Business Coun-

cil" composed of Chee Dodge, Charlie Mitchell, and Dugal Chee Bekiss, all of whom presumably were appointed by the Agency. According to Father Bernard, the formation of an all-tribal council was suggested by Secretary of the Interior Albert Fall (Haile 1954:2).

Regulations were promulgated in 1923 by Acting Indian Commissioner E. B. Meritt:

In order to promote better administration of the affairs of the Navajo Tribe of Indians in conformity to law . . . there shall be created a continuing body to be known and recognized as the Navajo Tribal Council with which administrative officers of the Government may deal directly in all matters affecting the Tribe (Young 1961:192).

This Council was composed of 6 members, a Delegate and an Alternate elected by the adult male Navajos for an unspecified term from each of the five Navajo jurisdictions, and from the Hopi jurisdiction. (In April 1923, the Council was enlarged to a total of 12 members.) The Commissioner of the Navajo Tribe (an appointee of the Secretary of the Interior, was empowered to call a convention of Delegates and Alternates to elect a Chairman from outside of the membership of the Council, and a Vice-Chairman from among the Delegates. This Commissioner had wide powers. He could appoint a Delegate if a jurisdiction failed to elect one. Meetings were to be called by him at the time and place he designated, although if five members of the Council requested a meeting, the Commissioner could, *at his discretion*, convene one. One provision of the regulations read:

No meeting of the Tribal Council shall be had without the presence of the Commissioner of the Navajo Tribe, and such officer shall see to it that the action of the Tribal Council as finally voiced on matters brought before it are properly made of record. The Secretary of the Interior reserves the right to remove any member of the Tribal Council, upon proper cause shown, and to require the election or appointment of some other delegate to take the place of the member so removed (Young 1961:395).^{4a}

In 1928 the procedure was revised to fix the term for Delegates at four years and to extend the franchise to all members of the Navajo tribe over 21 years of age—that is, to enfranchise Navajo women. The Navajo Tribal Council continued on the basis of these regulations until 1936. This early Council had no funds at its disposal, and its sole function was to act as liaison agent for the Federal Government, rather like a more formal version of the old headman system.

We have seen that the Indian Reorganization Act of 1934 was intended to encourage cultural diversity and the recognition of Indian tribes as political entities. New powers were vested in the tribal councils, including the right of approval over disposition of tribal assets, the right to negotiate with Federal, State, and local governments, the right to employ legal counsel, and the right to examine Indian Bureau appropriation requests before their submission to the Budget Bureau and to Congress. All future allotment of Indian lands was halted; tribes were empowered to consolidate fractionated land, and authorized to purchase and restore former Indian holdings (Haas 1954:13, 24).

As we have noted, the 1930's brought hardship to the Navajo Reservation because of the stock reduction program. Yet despite the fact that in a plebiscite Navajos rejected incorporation under the Indian Reorganization Act by some 400 votes, the Indian Bureau encouraged the tribe to draw up a constitution. However, the only change made in 1934 was to eliminate the position of Alternate and to double the Council membership.

At a meeting of the Tribal Council in 1936, a resolution provided that the members of the Executive Committee (appointed to act on grazing regulations with the Commissioner of Indian Affairs) and the former Chairman (Henry Tallman) be designated as a Committee to call a Constitutional Assembly to adopt either a constitution or bylaws. The Committee, led by Father Berard and Chee Dodge, canvassed the Reservation for the purpose of listing influential leaders for membership in the Constitutional Assembly;⁵ they selected 250 names. In 1937 the Executive (or Constitutional) Committee decided on the following procedure: to reduce the list to 70 names who would be representative of the 18 Land Management districts; to call for the dissolution of the old Tribal Council and for the recognition of the Constitutional Assembly as the de facto government of the tribe; to permit the appointment of a new Chairman by the Secretary of the Interior, and the continuation of an Executive Committee composed of 18 "High Councilmen" (one from each district). This reorganized "Council" was to hold office until a constitution could be framed, and approved by the Secretary of the Interior. We should note that the basis for representation was at this point changed; delegates originally represented the six separate jurisdictions.

The Constitutional Assembly met on April 9, 1937, with 68 delegates present. The Secretary of the Interior had justified the right of the Secretary to appoint a new Chairman on the grounds that "the Council, existing or reorganized, is an institution created by the Secretary. Its authorities are derived from regulations" (Young 1961:380). The Constitutional Assembly, however, was allowed to elect its own Chairman and Vice-Chairman. The Assembly authorized the Chairman to appoint a committee to draft a constitution, which would be presented to the Navajo electorate for ratification. Jacob Morgan, leader of the opposition to the Government, protested the dissolution of the old Council, and led his few followers out of the Hall. Nevertheless, the resolution was adopted by a vote of 64 to 0. Jim Shirley, Robert Curley, Roy Hashkan, and Frank Mitchell were appointed to serve on the Constitutional Committee, with Jacob Morgan as Chairman. Morgan refused the post. The Committee, with the aid of Thomas Dodge, the lawyer son of Chee Dodge, drew up a constitution, but it was not approved by the Secretary of the Interior because of the internal dissension among the Navajos at this period. Instead, he promulgated a series of bylaws sufficient for the election and reorganization of the Navajo Tribal Council.

These 1938 Rules increased the number of Delegates to 74 to be elected from "election communities" within the Land Management districts, for a term of four years. By the new Rules, the Commissioner of Indian Affairs

no longer had the right to fill vacancies on the Council; and the demand that no meeting of the Council should be held unless a Government official was present was dropped. Meetings were to be called by the Commissioner at the request of a majority of the members of an Executive Committee, which the Rules established. The Rules provided for a secret ballot and election by majority vote. The Reservation was divided into four Provinces for the purpose of nominating candidates for Chairman and Vice-Chairman. These 1938 Rules were subsequently revised in 1950, 1954, 1959, and 1961, and still serve as the basis of Navajo tribal government.

The above summary is based on material from Young, Littell, and Haile (Young 1961:371-428) (Littell 1951:iv) (Haile 1954:2).

The History of the Advisory Committee

The Executive Committee provided for in 1938 was to be organized as follows:

The delegates of each district shall choose one among them as chief delegate; if they cannot agree among themselves, the Chairman of the Tribal Council shall make the choice. All the chief delegates shall compose the Executive Committee [which] shall act in the place of the Tribal Council between meetings of the Tribal Council . . . shall refer all matters of very great importance to the Tribal Council, but [in] matters of lesser importance the Executive Committee shall act upon its own discretion (Young 1961:408).

However, the fact that the old Executive Committee had approved stock reduction was so bitterly resented that the new Council refused to establish such a Committee by a vote of 48 to 3, with 9 abstentions (Littell 1951:v) (Young 1958:193-94). The Council continued to appoint committees for specific purposes, but it tabled renewed attempts to establish an Executive Committee in 1942 and in 1943. On November 5, 1947, a committee of nine was authorized to proceed to Washington whenever necessary to testify on the Navajo-Hopi Rehabilitation Bill. Increased authority was delegated to this ad hoc committee between 1947 and 1951, at which time a resolution provided that at the first meeting of a newly elected Tribal Council, delegates from groups of districts should elect an Advisory Committee of nine members (Littell 1951:vi).

The powers of the Advisory Committee are still defined by authorizations of the Tribal Council, but to all intents and purposes it functions as an executive committee. It is generally agreed that the "institutionalization" of the Navajo Tribal Council dates from the establishment of this continuing committee.

The Constitution

The struggle to increase the authority of the Navajo Tribal Council focuses on the constitution. Indian constitutions approved after 1934 have been modeled on provisions of the Indian Reorganization Act. We have just seen what happened to the Navajo constitution that was drawn up in the 1930's. In 1949, an amendment was proposed to the Navajo-Hopi Rehabilitation Bill

of 1948 whereby the tribe could adopt a constitution free from some of the restrictions of the Indian Reorganization Act. The amendment provided for the formulation of a constitution at a meeting of the Navajo Tribal Council, its distribution in printed form for consideration by the members of the tribe, and its subsequent adoption by a two-thirds vote of the Council, subject to the approval of the Secretary of the Interior (U.S. Congress Hearings on S.1407:67).

At the Senate hearings on the Rehabilitation Bill, Norman Littell blasted the old regulations which, he said, stipulated that the "tribal council shall meet for the consideration of such tribal matters as may be brought before it at such time and places as may be designated by the Commissioner of Indian Affairs. No meeting of the tribal council shall be held without the presence of a representative designated by the Commissioner of Indian Affairs" (U.S. Congress Hearings on S. 2363, March 1948:385). Mr. Littell is citing the provisions of the earlier Rules for the Tribal Council, rather than those formulated in 1938.

In November 1959, Senator Clinton Anderson stated that the 99-year Leasing Bill had been held up in the House of Representatives because tribal attorneys wanted additional things, "including a constitution that would permit the Tribe to do all kinds of things without Secretarial approval" (*Journal of the Navajo Tribal Council* November 1959:10). The 1960 Bills (S. 2475 and HR 8416) calling for the right to adopt a constitution are separated from the land-leasing bills (now passed). These Bills call for the adoption of the constitution by a two-thirds vote of the Navajo Tribe, a step toward democratization as compared with the 1949 proposal. Norman Littell writes:

No constitution has been adopted and it is not anticipated that one will be for sound, practical and legal reasons which have developed since the Navajo-Hopi Limitation Act containing a compromise provision on a constitution which would increase rather than decrease the powers of the Secretary [of the Interior] (Personal communication March 30, 1960).

Another explanation has been offered me: without a constitution limiting its powers, the Council can exercise all of the "sovereign" powers that remain vested in the tribe, whereas, with a limiting constitution, some decisions now made by the Council would have to be referred to the electorate. Existing legislation will not permit the tribe to exercise for itself certain "trust" responsibilities.

THE NAVAJO COURT OF INDIAN OFFENSES

Indian tribes had almost complete jurisdiction over their internal affairs until 1885, when Congress took from them the right to punish ten major crimes, to which an eleventh—the embezzlement of tribal funds—was added in 1957. The Navajo Court of Indian Offenses was established in 1903, under the jurisdiction of the Bureau of Indian Affairs, to handle social matters involving tribal customs and Reservation quarrels. The Court was closely regulated at first: three Navajo judges were appointed and paid by the Government, and the Navajo Agent had power to reverse their judgments (Underhill 1956:220) (Young 1958:142). As we have noted, the *Williams v. Lee* decision of the U.S.

Supreme Court reaffirmed the broad civil and criminal jurisdiction of the Indian courts over Indian reservations. The Navajo Tribe is preparing its own legal code to replace the Federal Code of Indian Offenses.

From 1951 to 1959, the seven Navajo judges were elected by an all-Reservation vote in the regular Tribal elections. In 1959, the Council decided to appoint the judges; a Judiciary Committee was established to consider applicants for the office and submit an approved list of names to the Chairman, who would then appoint the judges with the confirmation of the Council. Plans for training Judges were made by the Legal Department (*Journal of the Navajo Council* January 1960:6).

The Navajo Police

Navajo police were first organized in 1872, with Manuelito as chief, to round up stolen cattle. One thousand men enlisted and were paid five dollars a month. The operation was successful but it was discontinued after a year. In 1883, a force was again established, under Chee Dodge. In 1892, Navajo police were used to round up children who were to be shipped to Colorado for school. The Indian Bureau paid all law-and-order expenses on the Reservation until 1953, when in the interests of better law enforcement the tribe agreed to pay for six Navajo policemen. Since 1958, all expenses for maintaining law and order, except for the prosecution of Federal crimes, have been met by the tribe. (Young, 1958:141).

THE CHAPTER SYSTEM

The Chapter, or local organization, is nearly as old as the Navajo Tribal Council, but only in 1955 did it become an integral part of modern Navajo government. In 1924 or 1925, Agent John Hunter established a Chapter in his Jurisdiction at Leupp in order to facilitate dealings with Navajos in his district. Parliamentary procedure was adopted, with annual elections by standing vote of a President, Vice-President, and Secretary under the majority rule. This organizational form spread to other Jurisdictions and was encouraged and aided financially by the Bureau of Indian Affairs. By 1933, there were 100 Chapters on the Reservation. Chapters were centers for community discussion and the organization of cooperative labor. Interesting descriptions of the Ramah and Shiprock Chapters are given in the works of Rapoport (1954:28), Bunker (1956:182-91), and Sasaki (1960:57-61). During the stock reduction campaign, Chapters became the centers of resistance and the Government withdrew its support. Some of the Chapters weakened; some died. Van Valkenburgh reports that only 60 were active in 1936 (1954:23); in 1945 the number had fallen to about 30, and these were active only at the instigation of a Government official (1945:73).

Because of the non-Navajo character of the Chapter, some anthropologists believed that they did not correspond to Navajo needs and experience. Van Valkenburgh referred to them as a "loose and rather comical form of parlia-

mentary regulations" (1945:72). Kluckhohn and Leighton found them "entirely artificial" (1948:101). Kimball and Provinse believed that they lasted only so long as the Government subsidized them "because the Navajos of power and prestige did not take an active part" (1942:24). By 1949, Kimball had changed his opinion. Writing on a suggested reorganization of the Navajo Tribal Council and on the relations of the Indian Bureau to the Navajos, he noted that despite the fact that Superintendent Fryer had discouraged the Chapter movement and Superintendent Stewart had ignored it, some Chapters "hung on." Others met intermittently. "The fact that they have life shows that they fulfill a local need intermediate between the Tribal Council and the people, perhaps as a transition organization from an older Navajo pattern." He recommended that the Chapters be made the legitimate concern of the Tribal Council (Kimball 1950:23). Van Valkenburgh told me in 1955 that he had changed his mind about the Chapters and that he believed they were the only reasonable way to deal with the districts. The tribe needed to treat with groups, not just individuals.

Some 80 Chapters were active in the 1950's. In 1955, the Council began to certify Chapters, require regular reports, and pay a per diem allowance to the officers on the days they held meetings. Some 96 Chapters are now active; important functions are entrusted to them, and they are recognized in the proposed constitution.

From my own observations, the Chapter form does fulfill a local need. Even in some of the more isolated communities, such as Navajo Mountain or Black Mesa, where interaction with the formal political systems is less than it is near the centers, the old forms of cooperation and decision-making among the "outfits," with their kin and affinal ties, no longer suffice. Larger community problems in the increasingly formalized political situation cannot be successfully handled by the old Navajo type of kin-based units. The Chapter is a territorial organization, geared to the problems of the local group. Since traditional Navajo society offers no model, Navajos have institutionalized the Government-devised form in which they had acted under Bureau tutelage. The history of Navajo economy, religion, and social structure (if we believe that their matrilineal clan patterns were borrowed from the Pueblos) shows that Navajos have not hesitated to take over alien forms of behavior and of social organization once they perceived an advantage in so doing. Just as the form of the Tribal Council meets a need for centralized administration over a greatly increased population, a function which no indigenous unit could perform, so the Chapter organization meets a need for government in the communities.

An analysis of local participation in government through the Chapters is important to the understanding of the development of Navajo politics. Many questions remain to be answered; for example, why Chapters persisted in such divergent communities as Shiprock and Ramah and died out in others. My field work concentrated on the Chinle Chapter and the results of my participant observations will be presented in the following chapter.

CHAPTER XI

The Institutionalization of the Navajo Tribal Council

THIS CHAPTER will present some of the data on the increase of the Tribal Council's authority, initiative, and legislative, executive, and judicial activity, and on the growing recognition that has been accorded to the Council by the Federal Government and the southwestern States.

THE INCREASE IN AUTHORITY

The Federal Government, the Navajo Council leaders, and the tribe's attorneys have all played important parts in the broadening of Navajo authority. Certainly, without the encouragement of the Bureau of Indian Affairs a Tribal Council would never have been established, for as we have seen, the Navajos traditionally had no formal, centralized government. For forty years some kind of political organization has been fostered among Navajos by the Federal Government. The present Federal policy of accelerating the withdrawal of the Indian Bureau may threaten the destruction of tribal identity for some Indians, but for the Navajos the new policy has operated as a spur toward the formation of a modern Navajo nation. Perhaps this is because withdrawal was coupled with rehabilitation; \$88,000,000 was appropriated for Navajos and Hopis in 1950, and, since then, additional funds for roads, health services, and dam construction have been made available.

The General Counsel, Norman Littell, dates the era of growing independence for the tribe from July 1947, when he was hired as General Counsel and Indian Claims lawyer. He writes:

A great part of the impetus to this confidence and realization came from the availability for the first time in tribal history of independent legal advice which was secured by the employment of General Counsel for the tribe in July of 1947. Legal advice not only gave the Tribal Council and officers confidence as to the meaning of resolutions and knowledge of tribal authority and power over lands and resources, but also expedited the work of the Bureau of Indian Affairs in transacting business with the tribe (Littell 1951:vi).

Most of the Indian tribes consider the right to hire their own lawyer to be of paramount importance. When Commissioner Dillon Myer proposed to control the choice, terms, and performances of contracts between Indian tribes and their lawyers, the protest was so great that the Secretary of the Interior abandoned the plan (Haas 1954:15).

Norman Littell has an impressive record of legal victories designed to increase the authority of the Navajo Tribe, as represented by the Tribal Council. He obtained the suspension of the punitive provisions of the Federal Grazing Regulations, and gained for the tribe the authority to make their own rules,

subject to the approval of the Secretary of the Interior. In 1950, Navajo funds in the United States Treasury were made available to the tribe. The tribe was given the right to license traders on the Reservation and to charge them rent based on a percentage of gross annual receipts. In 1956, the U.S. Supreme Court awarded damages to Navajo stockmen illegally deprived of their property in the Utah Trespass Case. In the *Williams v. Lee* case, the Navajo Tribe was upheld as a "domestic dependent nation."

Labor and boundary questions have also been under litigation. The Solicitor of the Department of the Interior sustained the right of the Council to regulate labor relations on the Reservation. Recently, the Council's Right to Work Resolution, even more drastic than that of the State of Arizona, has been challenged by the National Labor Relations Board. In 1960, the tribe sued—unsuccessfully—the NLRB, the United Steelworkers, the International Union of Operating Engineers, and the International Hod Carriers, Building, and Common Laborers Union.⁶ Assistant General Counsel Joseph McPherson has said that "the tribe has encouraged all Navajo union members to pay their dues and to maintain themselves in good union standing" and that "the tribe has no objections whatsoever to Navajos belonging to off-reservation labor unions" (*Gallup Independent*). Parenthetically, may I say that in answer to my inquiry about the effect of the tribe's Right to Work Resolution, Senator Barry Goldwater replied that in his opinion the Resolution does not harm the tribe since Arizona already has a Right to Work law, but Congressman Stewart Udall felt it had harmed labor relations for off-Reservation Navajos (Personal communications).

In the McCracken Mesa—Glen Canyon Dam Land Exchange Act, Normal Littell was successful in getting a provision added to the Act which confirms the boundaries of the tribe in the areas granted by Executive Order in 1883 and 1905; this has the legal effect of confirming title to this area for the tribe, and he was able to protect the rights of the Navajo Tribe to oil and gas resources on the land which the Navajos gave in exchange for McCracken Mesa (*Gallup Independent*, April 16, 1959) (*Journal of the Navajo Tribal Council*, April 1959: 2).

The Navajo-Hopi boundary dispute—that is, the case of Dewey Healing, Chairman of the Hopi Tribal Council, v. Paul Jones, Chairman of the Navajo Tribal Council—was heard before three Federal Judges in Prescott, Arizona, in October 1960. The disputed area involved land occupied by Navajos which is part of the 1882 extension to the Navajo Reservation by Executive Order. The decision, rendered in 1962, gives the Hopi clear title to 641,000 acres, and the right to share in the surface and subsurface rights of another 1,859,000 acres, now occupied chiefly by Navajos. The Hopis had been willing to accord grazing rights to Navajos but had refused to cede subsurface rights. Possible wealth in minerals and oil is the point at issue. The decision was regarded as a victory for the Hopis, and the Navajo Tribal Council plans to appeal the case to the United States Supreme Court (*Newsletter*, November 1962: 18).

A suit brought by the Native American Church (that is, the peyote cult) against the Navajo Tribe was lost by the peyotists on appeal to the U.S. Circuit Court of Appeals.⁷ The suit claimed that the ordinance banning peyote was in violation of the First, Fourth, and Fifth Amendments of the Constitution of the United States. The Navajo Tribe contended that it could not be sued without the consent of Congress. The decision of the U.S. Circuit Court of Appeals was to the effect that the First Amendment does not apply to Indian tribal laws and courts but only to Congress, whose power to interfere with religious freedom or religious worship is thereby limited (*Newsletter*, April 1960:7).

THE INCREASE IN INITIATIVE

Navajo Council leaders, in pressing for more authority, have been willing to accept the responsibility and the burden of added costs that this entails. With a few exceptions (such as their early unsuccessful venture into small enterprises and the trading business), they have shown their ability to discharge these responsibilities.

When I first began my inquiries about the Navajo Tribal Council, I was told by some whites and some Navajos that it was "just a Government rubber stamp" and by others that it was a "tool of the tribal attorney." It is true that because of physical isolation from the mainstream of American life, and because of illiteracy and the lack of professional training, Navajo leaders have been forced to depend heavily upon outside advice, either from the Bureau of Indian Affairs or from their own experts. However, I found Council officials acutely conscious of the value of making their own decisions. They are perhaps overly sensitive to criticism and are ready on the spur of the moment to write angry letters to anyone who questions the wisdom of their position. (Equally angry, if not more so, are the white experts who have sponsored the policies.) At the present time, the Council has a wide range of choice of advisers, from among their own staff and the Bureau staff, as well as State officials, State Indian Commissions, local residents, and Indian-rights associations. In addition there are still the old informal advisers—traders, missionaries, and doctors. Practically anyone in the Southwest is ready at the drop of a hat to advise the Indians.

It is interesting to try to trace the origin of a given proposal made in a Council meeting. Sometimes it comes from the officers, sometimes from the districts, from the Bureau, or from outside companies and individuals, sometimes from tribal employees. Both Navajo and non-Navajo employees appear to lean toward spending schemes, such as high salaries, elaborate community centers, costly surveys, a huge Civic Center, a Museum, a movie about the tribe, a Navajo Park Service, Dale Carnegie courses for leaders, an expensive Tribal Fair, and a projected six-million-dollar Navajo Capital.

The Council is often accused of being overly dependent upon the tribal lawyers, both by outside groups and by Navajos. However, it must be remembered that the complex legal relations between the Tribe, the Federal Govern-

ment, and the States, the newness of this large-scale political development, and the complicated oil and gas leasing procedures cause many Navajo problems to present themselves as legal decisions. There are charges that the lawyers influence the Council in too many areas; that they embroil the tribe in unnecessary and unwise lawsuits; that they are wasting tribal money on high salaries and ruinous legal expenses and are delaying the hearings on the Indian Claims Case, the basis of their hold on the Council. They are accused of painting an unrealistic picture of Navajo "sovereignty," of dabbling in "empire-building," of fostering a "socialistic dictatorship." They are said to be losing friends and making enemies for the Navajo Tribe all over the Southwest. The response to this criticism depends on how one assesses the direction in which the lawyers are impelling the tribe. Certainly, if the wisest course is toward the greatest possible development of a nearly autonomous state within a state, then the Council's lawyers are advising their clients consistently and well. If, on the other hand, this is an unrealistic picture of the Navajo situation, which includes, I believe, both the need to develop the Reservation and to integrate some members of the tribe in the surrounding society, then the strictly legal definition of Navajo authority takes a short-sighted view of the needs of the People.

I believe, although some do not agree, that Navajos listen to the lawyers if, and when, the legal advice coincides with their own currently nationalistic bent. There is, certainly among the most powerful leaders, an eagerness to assert the tribe's authority and independence of the Bureau of Indian Affairs and of the States. I have heard leaders disagree sharply with the tribe's lawyers on the floor of the Council. The lawyers have complained that they were not consulted at times by the Chairman or by the Advisory Committee. While Council leaders still depend strongly on their non-Navajo advisers, they are consciously striving to make their own independent decisions.

THE INCREASE IN ACTIVITY

As the volume of tribal business grows, more authority is delegated to the Chairman and the Advisory Committee. Members of the various committees receive greater experience in modern legislative and administrative activity than do the Councilmen generally. Practically all programs and proposals are first discussed in committees before they reach the Council floor. Several members of the Advisory Committee serve on other committees or are appointed to head such special programs as grain distribution or the annual Tribal Fair. As a result, Tribal Committee members do most of the talking at the Council meetings. They also play an important part in communication with the districts by attending Chapter meetings to explain programs in education, resources, or health, or by acting as trouble-shooters for the Administration. They are often the speakers on the Council radio hour, and the Chairman will delegate them to represent him in off-Reservation conferences. The Chairman and Vice-Chairman, sensitive to the criticism of the electorate in the 1955

campaign, try to fulfill their election promises to meet frequently with the districts. The Council passed 2,300 resolutions between 1947 and 1957; it had passed 266 resolutions from 1923 to 1947.

The increase in Council activity has brought about the creation of whole new departments with large staffs to handle administration. As we have seen, the 1959 reorganization of the Executive Branch added three new divisions under the Executive Secretary, who is now one of the most important officers. Between 1947 and 1960, the following offices were created: General Counsel and Indian Claims lawyer, Assistant General Counsel and Associate Attorney, Tribal Accountant-Auditor, Secretary-Treasurer, Certified Public Accountant, Insurance Analyst, Tribal Business Manager, Mining Engineer, Legal Adviser, Oil and Gas Consultant, Title Examiner, Tribal Superintendent of Police, Treasurer, General Manager of Forest Products Industries, Assistant Executive Secretary, Legal Aid Service, Director of Tribal Resources Division, Director of Public Service Division, and Director of Administration Division.

Salaries have kept pace with the growth of the Council's activities. In 1940, the chairman received \$2,400 a year; in 1949, \$5,000; in 1952, \$7,800. In 1956 the Chairman's salary was set at \$9,000 for the first year of his term, \$10,000 for the second year, \$12,000 for the third year, and \$13,500 for the fourth year; if re-elected for a second term, he receives \$15,000 annually. The Vice-Chairman receives \$7,000, \$8,000, \$9,000, and \$10,000 each succeeding year of his first term, and \$11,000 annually if reelected for a second term. Delegates received \$3 a day in 1940, and \$14 a day in 1949; in 1956 remuneration rose to \$32 a day (Young 1958:282-83).

In 1940, the tribal payroll was negligible. In 1958, it was 6.6 percent of the total Navajo income; \$2,617,527 was paid to Navajos, and an additional \$328,669 to non-Navajo employees (Young 1958:102, 104).

The Tribal Budget

The tribe now pays all its own expenses for government at the center and in the districts. The Council compiles and adopts a budget, which is approved by the Secretary of the Interior. It is, as the Navajos say, a "million-dollar operation." An examination of the annual budgets for the tribe between 1951 and 1960 reflects the growth in activity:⁸

<i>Year</i>	<i>Budget</i>	<i>Year</i>	<i>Budget</i>
1951	\$1,217,888	1956	\$ 3,368,333
1952	1,991,347	1957	6,626,416
1953	447,618	1958	15,039,813
1954	1,378,203	1959	20,149,531
1955	2,460,913	1960	28,000,000

A breakdown of the budget by categories for the years 1958 and 1959 follows:

Category	1958	1959
Administration	\$ 487,772	\$ 599,010
Legal and Judiciary	206,592	236,676
Community Services	1,995,045	2,288,849
Industrial and Business Operations	939,400	478,581
Minerals Management	97,795	110,953
Farm and Range Management	1,319,559	1,751,868
Land Use and Surveys	137,200	208,595
Financial Management	128,950	207,299
Capital Investments	8,727,500	11,267,700
Special Programs—Work Relief	1,000,000	3,000,000
TOTAL	\$15,039,813	\$20,149,531

(Young 1958:149-51)

Tribal business, as can be seen from a glance at the budget, covers a wide range. It may be classified into services that were previously performed by the Bureau of Indian Affairs, services supplementing the current Bureau program, and new services. The principal expenditures are those relating to legislation, administration, economic improvement, education, law and order, communication, and recreation.

In the field of economic improvement, the Council (through the local Grazing Committees) supervises the branding, dipping, vaccinating, and tallying of livestock, and, most important of all, the control of livestock permits. The tribe is responsible for licensing traders and leasing land, for oil and gas leases, and for the purchase and exchange of land to consolidate Navajo holdings in the checkerboard areas. It has purchased several ranches where the tribe's ram herd is kept and where individual Navajos can lease grazing land for their herds. In addition to a program of well-drilling and maintenance, the Council plans to take over all responsibility for water development and the maintenance of small irrigation projects on the Reservation.

Tribal enterprises include a greatly expanded sawmill, the Navajo Arts and Crafts Guild, the Window Rock and Shiprock motels, a coal mine, and the Fort Wingate Housing project. Attempts have been made to attract industries to the periphery of the Reservation in order to secure employment for Navajos. Negotiations are under way for the establishment of a power plant which will bring cheap power to Navajo hogans.⁹ A Tribal Credit Fund gives loans to Navajos for small business enterprises. A farm training program is financed by the Council to prepare Navajos for irrigation farming.¹⁰ Plans are being made for housing if F.H.A. financing can be arranged;¹¹ housing for tribal employees has already been built.

The tribe has a welfare program, which provides clothing for school children, dentures, eye glasses, and hearing aids, layettes for new mothers, interim relief

for emergency cases, money for rebuilding burned-out houses, and lumber and materials for home improvement. The interest on a \$10,000,000 fund is used for Tribal Scholarships for higher education. The tribe's Public Works Program, instituted in 1957, will be described in the next chapter.

Jail and courthouse facilities are being constructed at Fort Defiance, Tuba City, Shiprock, Chinle, Tohatchi, Lupton, and Bitter Springs. A new program for offering bail facilities to prisoners is designed to reduce jail costs.

A Tribal Commission cares for the archeological sites, builds roadside parks, and administers the first Navajo Tribal Park at Monument Valley.

In the field of communication, the Council is investigating the possibility of a TV booster station on the Reservation. It conducts a weekly radio broadcast and issues a monthly newspaper, *The Navajo Times*. The annual Tribal Fair, now run by the Council, attracted 42,000 visitors in 1957, 50,000 in 1958, and 65,000 in 1959. A handsome Civic Center has been built at Window Rock at a cost of \$300,000, and a year-round program of music, dances, and sports draws as many as 2,000 people to an event. A Youth Camp is being constructed for Boy Scouts and other youth groups. The tribe contributes to the Gallup Indian Center which, under the direction of the Unitarian Service League, offers recreational, educational, and hotel facilities to Indians. The tribe also contributes to the Cornell Clinic at Many Farms.

INCREASED RECOGNITION

The growing importance, authority, and wealth of the Navajo Tribal Council has not gone unnoticed by the outside world. Council leaders are courted by banks, power companies, and oil companies. They are invited to participate in conferences, to serve on committees, to address gatherings in Arizona, New Mexico, and Utah, and in Washington, D.C. Councilwoman Annie Wauneka is a member of the Surgeon General's Advisory Committee on Indian Health, and she has received several awards for being an outstanding Navajo woman. Dillon Platero represented American Indian youth, at the request of the President of the United States, in New Delhi, India. The Council Chairman, Paul Jones, attended a conference in Guatemala on Pan-Indian affairs. Recently he participated in the unveiling of the statue of our only Indian Vice-President, Charles Curtis, in Washington.

Maurice McCabe, the Executive Secretary, appeared on a TV news broadcast in San Francisco; he was invited to take part in a Navy civilian orientation cruise on the USS *Lexington* as a guest of the Secretary of the Navy; and he addressed the meeting on Indian education at Arizona State University at Tempe.

Navajo Tribal Council news makes the front page in the *Gallup Independent*. *Time* magazine wrote the Council up at length (and in scurrilous fashion, according to Navajo leaders). Navajo oil contracts are big enough and important enough to be treated by Drew Pearson in his nationally syndicated column.

When I attended the Navajo Tribal Fair in 1955, Congressman Stewart Udall of Arizona was present, together with his Navajo secretary, who had

been chosen to represent her state at the Cherry Blossom Festival in Washington, D.C. Senator Barry Goldwater of Arizona, Senator Dennis Chavez of New Mexico, Roger Ernst of the Department of the Interior, Governor Edwin L. Mechem of New Mexico, and Governor Ernest W. McFarland of Arizona were among those who attended the 1958 Fair. Secretary of the Interior Fred Seaton made a major policy speech on the Gallup radio station, supporting termination only with the consent of, rather than mere consultation with, the Indian tribe involved. In 1959, the Governors of Arizona, Colorado, and New Mexico were present at the Fair. The Governor of Arizona attended the dedication of the Tuba City Community Center in 1960, and the Governor of Utah was present at the inauguration of the Navajo Tribal Park at Monument Valley. The list of honors and honoring events is a long one.

In this chapter I have stressed the scope of institutionalization of the Navajo Tribal Council at the top. In the next chapters I shall deal with institutionalization at the local level, particularly with Navajo participation in the Chapters and in the tribal elections.

CHAPTER XII

Local Participation in the Modern Political System

ONE of the most significant aspects of the institutionalization of the Navajo Tribal Council is the increasing participation of Navajos in political activity at the local level. Much of my own field work dealt with such activity in the Chinle district.

Chinle is a relatively populous farming and stock-raising area, in the Arizona portion of the Reservation. When I first visited Chinle's spectacular Canyon de Chelly in 1942, 95 miles of bad road lay between Chinle and the pavement at Window Rock, or to take another direction, between Chinle and Highway 66 at Chambers, Arizona. When I began my field study in 1954, Chinle's modern facilities comprised a Government Soil Conservation office, a post office, an Indian boarding school, a one-room State school, two trading posts, two missions (one Presbyterian and the other Catholic), a small clinic, a lodge, a campground on the Canyon rim, and a Park Service headquarters for the National Monument of Canyon de Chelly. Navajos estimated the population then as between 1,000 and 1,100, but according to the Chinle school census there were 342 families, which, taking an average of five to a family, meant 1,710 residents in the area. Chinle can be characterized as midway in acculturation between sophisticated Shiprock and isolated Navajo Mountain.

Since 1955, Chinle has been the headquarters for a Subagency of the Navajo Agency. It has acquired a new bridge and a paved road to Window Rock, a State elementary school that also offers three years of high school, a new clinic, a permanent court and judge, and a handsome Community Center. Plans have been made to enlarge the boarding school and to build a courthouse and jail. Much to the distress of nearby small communities that are being overshadowed, Chinle is being developed by the Indian Bureau and the Navajo Tribe as a leading center.

In my Master's thesis for Stanford University in 1956, *Leadership and Culture Change: A Case Study of Navajo Indians*, I summarized my field work through the Tribal Council elections of 1955. Since that time there have been striking political developments on the Reservation. I was told at the time—by white people—that there was very little interest in the Navajo Tribal Council in Chinle; the tribe, "egged on" by an unscrupulous lawyer who was taking the Navajos for all they were worth, was stirring up the Indians and making them suspicious of Whites. As for the Chinle Delegate, although he was "an honest Navajo," he was not greatly respected by the community and was only elected because a few friends and his family campaigned for him. Navajo informants also were critical. One said the Delegate had been elected because his late father was a big leader, "as good as Chee Dodge only not so well known outside of this area. His son isn't the man the father was. He doesn't talk up at the Council meeting or get anything done for Chinle."

At the first Squaw Dance I attended in 1955 (these curing ceremonies draw from several hundred to a thousand participants and spectators), a small man with a strong voice talked at length and drew a round of applause. I was told that I had just heard the Chinle Delegate explaining to the people about the Glen Canyon Dam. When I interviewed the Delegate some weeks later, he apologized for his hoarse voice, a result of speaking at another Squaw Dance. I later saw him at a sheep dipping and at a branding where he, as a member of the District Grazing Committee, was checking the stock permits.

When in 1955 I discussed problems of communication between the Council and the districts with a Council official, I was told that there was "plenty of room for improvement in that department." Only top-level policies are discussed at the Council meetings, and since the Delegates don't take notes, they can't explain too clearly what has happened. Even educated Delegates have difficulty with the complicated legal affairs of oil and gas leasing. Also, Navajos live so far apart that even the most conscientious Councilmen have trouble in reaching their people. The proposals they bring to the Council are always considered, but sometimes they are unrealistic; they want a school or a hospital or a bridge, but these are Federal responsibilities.

Certainly the tribe needs to develop better ways of communicating with the districts, but steps are being taken. When I talked to Navajos in Chinle, I found that all of them who owned radios listened to the Council hour. A survey in 1956 by the Chinle Subagency found 121 radios in the Chinle area, each of which must have served a large extended family. The Navajo Agency mimeographs a *Journal*, an unofficial digest of Tribal Council meetings, which circulates among Bureau personnel and is sometimes used by the Delegates. *The Navajo Times* now deals with Council resolutions and programs. In 1960, there was a per diem allowance in the tribal budget for two local meetings a month for each Delegate. The principal change, however, since my field work began, has been the incorporation of the Chapters into the Council organization.

THE CHINLE CHAPTER

The checkered history of Navajo Chapters has already been described. The Chapter in Chinle was at one time active enough to have a Chapter House, which in 1954 was being used as a schoolroom, a circuit court, and, on Sundays for the Mormon Church. During the war years the Chapter was kept alive by the Secretary alone, but it had revived somewhat in the post-war period and by 1954 had a full roster of officers (President, Vice-President, and Secretary). These officers of necessity came from among the more public-spirited Navajos because there was no remuneration, only a modicum of prestige, and plenty of criticism attached to the positions. The few Navajos who were interested in accepting leadership in public affairs seemed to circulate freely among Chapter, Council, and Indian Court offices. The leadership of the Chinle Chapter changed often. Friction over personal matters was prevalent. Officers would try to oust each other, and some would resign because the behavior of members of their family brought criticism upon them. Subagency

personnel were careful not to intrude into the internecine quarrels, and Bureau officials attended meetings only when invited as experts.

The Chapter was further weakened by the lack of funds and the lack of a suitable meeting place (the teacher objected to having the classroom furniture moved around). I once attended a Chapter meeting under a cottonwood tree when a sudden storm came up, drenched us with rain, and dispersed the gathering after fifteen minutes. Ideally, the Chapter met once a month, but attendance was sporadic, numbers depending upon whether or not a "hot issue" was up, an important visitor expected, or an interesting event, like a drawing for prizes at the trading post, was going to take place in Chinle.

The Chapter had no clearly defined area of authority and no sanctions to back up its decisions. Community problems were discussed; sometimes the Delegate reported on Council meetings; the Chapter forwarded requests to Window Rock. Chapter leaders, if invited by the families involved, went into hogans to arbitrate disputes before they were brought to court. The Lukachukai Chapter took up a witchcraft accusation and invited the Chinle officers to come over and help them get to the bottom of the matter. When a meeting was arranged for Chinle, such as the campaign talks of the candidates for Chairman during the 1955 elections, the Chinle Chapter officers presided and were much in evidence during the question period.

In 1955, the Navajo Tribal Council took steps to formalize its relations to the Chapters. Per diem payments to the officers, certification, and regular reports were instituted. This helped to stabilize the meetings so far as the leaders were concerned, but it did not guarantee a good attendance. Only when the Chapter was given something specific to do did the meetings pick up. The real function of modern government according to Chinle Navajos is to dispense services. First, the tribe organized an emergency grain distribution. The Chapter organization was not used, but the Secretary was made the "Lady Warehouseman." Next she was placed in charge of loan applications to the Council, and finally she was asked to take care of the welfare applications. By receiving applicants only just before the Chapter meetings, she automatically increased attendance.

When a permanent court was installed at Chinle, the former Chapter President was appointed judge, and family arbitration problems went to him rather than to the Chapter officers, because he was respected and readily available. When the Chapters became part of the Council organization, tribal leaders took up community problems with the Chapter membership. The Chinle Chapter began to send in regular reports. During one year they requested a bridge, a jail, a Chapter House, the per capita division of tribal funds, fencing of the local cemetery, Federal aid to each Navajo home, a diversion dam in Canyon de Chelly, a bridge across Chinle Wash, a windmill, and the enlargement of the Chinle boarding school. Reports on Council decisions were given, complaints were aired against the Delegate, the court clerk, the doctor, the policeman, and a school teacher. Other matters discussed were grazing, erosion, grain distribution, the peyote cult, and hunting regulations. Plans were

made and work had begun on the renovation of an abandoned building for a Chapter House when the good news came that the Council had voted money to construct Chapter Houses. During this time, attendance at meetings ranged from 20 to 300 persons.

In 1958, the Council appropriated \$2,500,000 for the construction of Chapter Houses and Community Centers. The Community Services Department let it be known that they would favor the communities that promised to donate labor for construction. Chinle promptly passed a resolution calling for pay for Chapter House construction and for the hiring of local Navajos. Community Services fumed and threatened, but, when I returned to Chinle the following year, a beautiful Chapter House of wood and native stone complete with a kitchen, showers, and laundromats had been constructed with paid Navajo labor. A dedication and barbecue had been held with the Tribal Chairman, the Vice-Chairman, the head of the Health Committee, the head of the Community Services Department, and some members of the Advisory Committee in attendance. The Delegate spoke and the Chapter President introduced the honored guests. Only the Tribal Band failed to arrive for the flag raising. When I visited the Chapter House, a manager had been installed, all the laundromats were in use, and money had been raised by bingo parties to pay for the heating.

The principal stimulus for the Chapter, however, was the Emergency Work Relief Program instituted in 1957 with an appropriation of \$1 million for public works; \$3 million was appropriated in 1958, and \$5 million in 1960. The program was designed to give short-term employment to the needy, and consists of small construction projects, such as dipping vats, corrals, bridges over irrigation ditches, and cemetery repairs. In 1959, Chinle received a share of the \$154,047 apportioned to the whole Land Management district, which also includes Many Farms, Nazlini, and Tselani. First the Delegates from the district met; then the Chapters planned local projects and secured cost estimates from the Subagency experts and approval from the Council. The Chinle Chapter then selected a foreman and laborers according to rules of eligibility for work relief. Projects were staggered, and the personnel was changed every two weeks so that no one could prefer his emergency job to steady employment. Funds were handled by the Chapter, time charts kept, reports submitted. Chinle drew some criticism for nepotism when the Chapter President gave his son-in-law a job in which he could use his truck ("The other fellows had old trucks which were always breaking down," he said), but the results could only draw praise: rock work was done to widen the Del Muerto road, rocks were placed in the Wash to make a passable road bed, irrigation ditches were bridged, wood access trails were cleared, weeds were hacked down by women. In Chinle, Public Works meant the full institutionalization of the Chapter as part of the modern political system.

THE GRASS ROOTS MOVEMENT

The Chapter movement is truly a grass roots movement in Navajo political life. It is the means by which the traditional society with its traditional prob-

lems is channeled into the modern Tribal Council system. This can be readily seen in areas such as Fort Defiance and Chinle, where educated Navajos tend to take part in the mixed community or recreation councils and leave the Chapters for the older people to use as a forum on grazing and irrigation problems.

Green's analysis of the Chapter reports for 1957 showed repeated attendance of Council officials and selected Bureau experts to discuss local problems. Requests for services, in order of frequency, were for water development, Chapter facilities, school improvements, roads, health facilities, aid to small businesses, livestock facilities such as fencing and dipping vats, law-and-order improvements, housing development (including electricity), welfare assistance, telephones, TV, post offices, and employment. During 1957 five Chapters had an attendance of over 250 at their largest meetings; 8 had between 150 and 250; and in the summer, 34 had up to 150 at the biggest meeting (Green 1957).

The meetings I attended at Leupp, Many Farms, Chinle, and Pine Springs drew slightly more men than women, but several Chapters had women officers and women participated to a much greater degree at this level than in the policy-making units at Window Rock. Men spoke more frequently (and at greater length) than did women; older women took the floor more often than younger. In some Chapters local problems—such as fencing disputes, divorces, drinking, and child custody—were discussed; old "influentials" gave talks on how to behave. A Delegate told me that when he tried to explain the eligibility rule for tribal work relief to Chapter officers in a remote area, they told him, "We're not white men; we're Indians. We don't go by rules."

Chapter activity in the five Subagencies from July 1, 1957, to June 30, 1958, is shown in the following table:

Subagency	Number of Meetings	Total Number Present	Delegates	Committee-men	B.I.A. Personnel
Chinle	83	4,978	97	138	211
Crownpoint	16	991	24	18	36
Fort Defiance	111	5,890	112	297	240
Shiprock	47	1,185	40	43	123
Tuba City	26	1,516	31	17	41
TOTALS	283	14,560	304	513	651

(Young 1958:156)

CHAPTER XIII

The Navajo Elections of 1955 and 1959

ELECTIONS provide an important area in which to study the amount of institutionalization, and particularly the degree of participation in a developing political system. For this reason I did field work both in 1955 and in 1959 on the Tribal Council elections.

THE ELECTION PROCEDURE

The Navajo elections are conducted according to rules promulgated in 1938 and revised in 1950, 1954, and 1959. All members of the tribe over twenty-one are eligible to vote. The ballot contains a picture of each candidate. Elections are held every four years in March, the time having been changed from the summer, when too many men were off the Reservation engaged in seasonal work.

The first step in the election procedure is the establishment of a Board of Election Supervisors, who are selected by the Chairman with the concurrence of the Advisory Committee. The Board then appoints registrars in each of the 74 election communities (they will later serve as poll clerks) and three election judges. The registration period is from November 15th to January 31st. Each Election Supervisor is in charge of an election district.

The next step is the calling of meetings in the election communities for the first Monday in January, first, to nominate not more than three candidates for the office of Delegate to the Tribal Council, and second, to select one delegate to cast an instructed vote at the nominating convention for the community's choice for Chairman of the Council. The three candidates and the delegate are all selected by a rising vote, and certified by the presiding officer to the Chairman of the Election Board. The election communities are combined into four Provinces, each of which holds a nominating convention of the instructed delegates from the component communities. The candidate receiving the highest vote is chosen to run for Chairman. He selects his running mate, and Chairman and Vice-Chairman are voted upon as a single ticket. The maximum number of possible candidates for Chairman, then, is four, and the minimum is one. Since there are no political parties, there is no guarantee of a contest on the final ballot.¹²

THE ELECTIONS OF 1955

The Navajo tribe conducted its own elections for the first time in 1955 (previous elections were conducted by the Indian Bureau). When I arrived in Window Rock to observe the procedure, I was surprised by the cool reception I received from Bureau employees of my acquaintance, both Navajo and non-Navajo. Later I learned that they were prevented by a kind of Hatch Act from participating in tribal election activities. The Chairman of the Election Board

was busy with a crowd of 70 Navajo registrars, young and old, "Long-Hairs" and Moderns, who had assembled from all parts of the Reservation for a briefing. The Election Supervisor from the district in which Chinle is located told me that Chinle and Lukachukai were well organized, but that some old men in Rock Point refused to have anything to do with elections and "just went back over the river." The Registrar there was young, and "of course his age is against him." One Registrar had to be removed because "he only took down the names of his friends."

The 1955 Elections in Chinle

A young Navajo evangelist from the Presbyterian Church was Registrar in Chinle. He explained that the area was not too well defined. He had begun by tacking up bulletins in the trading posts to announce the registration, then had got in his pick-up truck and gone around to register all the people who traded or got their mail in Chinle. He had registered 442 Navajos in a 20- to 30-mile radius.

The candidates for Chairman were campaigning this year for the first time with posters, meetings, and radio talks, "in the white man's way." The incumbent, Sam Ahkeah, was fifty-nine years old, had had eight years of education, owned a farm at Shiprock, and had worked for the Park Service as handyman and interpreter. He was running for his third term on the Tribal Council. His running mate was an educated, English-speaking businessman from Tuba City.

Paul Jones, his opponent, was sixty-one years old, had had nine years of schooling on the Reservation, three years of high school in Englewood, New Jersey, and a year at Calvin College High School; he had served a year overseas in World War I and had worked nine years for a tea company in Chicago before returning to the Reservation in 1933. Since that time he had been employed by the Bureau as district supervisor in Piñon and as interpreter. His running mate was Scott Preston, an older medicine man, who spoke a little English as a result of movie parts in Hollywood, and who had had long experience in tribal affairs. Jones was from the eastern side of the Reservation, while Preston was from the western side. It is thought to be important in Navajo elections to combine east-west and tradition-modern in the Chairman-Vice-Chairman ticket.

Sam Ahkeah spoke in Chinle at a meeting I attended along with 150 to 200 Navajos of all ages, and judging by their clothes at all stages of acculturation. He gave a serious talk on the achievements of the Tribal Council and the prospects for economic improvement. He was questioned thoroughly on his attitude toward bringing State schools to the Reservation, and on the reasons he had not been out to Chinle in the twelve years he was Vice-Chairman and Chairman "to see what the people need." He was asked about the tribe having lots of money while Navajos individually were poor, and he replied that if the tribal money was divided up it would disappear in a short time. It was better, he felt, to use the money for services and economic welfare. He did not criticize his opponent severely "in the white man's way," but said that Paul Jones "did not have the qualification."

My informants said that Jones, who had held a well-attended meeting the week before despite a snow storm, spoke very well. He had not made many promises but said he would try for more cooperation between Chairman and Vice-Chairman, between officers and Delegates, that he would visit the districts more often, carry through on projects planned, and see that Councilmen didn't fall asleep in the meetings from drinking too much. (This last delighted Chinle.) He refused to promise, as Sam Ahkeah had done, that he would get more sheep "because that depends on our range."

A young Navajo, Raymond Nakai, who had a daily program on the Flagstaff radio station, made a try for the nomination for chairman but he "got nowhere." The other candidates said he was too young. (He was thirty-five.)

Chinle supported Jones, whom they knew from his work as district supervisor in Piñon. "Paul is better educated than Sam; he knows his way around." "He's been to the tribal meetings as an interpreter so he knows what's going on." "He has more business experience than Sam." "Sam lied to us; he said he'd get us back our sheep." Ahkeah supporters said that Sam had done a good job; he had halted stock reduction. White informants told me that both were good men. "Sam is good with Navajos, but white people can put things over on him." "Paul Jones has more outside experience and Navajos certainly need some of that."

I asked Navajos in Chinle how they would choose a Delegate, what qualifications he ought to have. "We want someone we can trust." "Education is not so important as being a good man." "I'll vote for someone who talks it over with the people." "He ought to be a good speaker."

Candidates for Delegate in Chinle did not campaign openly but tried to be seen more frequently than usual, talk to more people, attend more meetings. It was poor form to appear eager for the job. Most candidates claimed they had been "drafted." Friends and family and local supporters, however, campaigned for them.

In Chinle, criticism of the candidates was rife, if often expressed privately. Most of the attacks were on the incumbent's personal qualities: his drinking, his being too timid at Council meetings and not paying attention to his job. His supporters said that he was a good speaker and easy to get along with and liked to talk things over with the people. All the candidates for Delegate were middle-aged and none was rich. The incumbent was a stockman, the son of an old local leader. One opponent was from Valley Store, where he had a local following. He had been foreman on several off-Reservation railroad jobs and former workers supported him. One woman, the Chapter Secretary, was running. She was the best educated of the group and had held positions—such as social worker and Federal registrar—that had brought her in contact with many people. Women and the Presbyterians were her chief supporters.

I asked some young Navajos (under 40) why they did not consider running, and they said that they would have to give up full-time jobs and, besides, no young Navajo could get elected in Chinle. The older Navajos said young people nowadays didn't have much sense and furthermore they wanted to bring liquor

on the Reservation. They drank "day and night." The young people retorted that the old people drank more than they did.

In the 1955 tribal elections, 22,000 Navajos were registered to vote. Paul Jones and Scott Preston received 10,211 votes; Sam Ahkeah and Adolph Malony received 6,700. The vote in Chinle was as follows:

<i>Chairman—Vice-Chairman</i>		<i>Delegate</i>	
Jones—Preston	325	Joe Carroll	173
Ahkeah—Maloney	92	Walker Norcross	144
		Irene Stewart	113

THE ELECTIONS OF 1959

As early as 1957 I had heard a rumor that Sam Ahkeah was planning to run again for Chairman on what appeared to be a most popular issue, the division of tribal money per capita. A Delegate told me that he was going to run as Sam Ahkeah's Vice-Chairman. I asked him if his program differed much from that proposed by Paul Jones. "No, same one. Only we're going to do it better."

Raymond Nakai, the Flagstaff radio broadcaster who held a full-time job at the Navajo Ordinance Depot, had already begun his program, I was told, by attacking the Administration for wasting tribal funds. "He's chewing on the Councilmen too." A group of Christian Navajos had discussed supporting Christian candidates regardless of denomination. At times in the past, some Missions had hesitated to encourage Navajo religious leaders to go into politics, perhaps because their services were needed by the churches.

In December 1958, the Tribal Council held a special meeting to revise the election procedure. At this time it was decided to appoint judges rather than to elect them. A ceiling of \$1,000 was placed on campaign expenditures for Chairman, and \$500 for Delegates. A proposal was made to stiffen the eligibility requirement; residence on tribal land or active participation in tribal affairs was to be required of candidates for Chairman for three years "prior to the nominating convention" rather than "prior to taking office." This proposal precipitated an angry argument: opponents (and off-Reservation aspirants) were accused of "interest in the Tribal funds"; supporters of the proposal were accused of "trying to block someone from off the Reservation." It was pointed out that three previous Chairmen—Sam Ahkeah, Jake Morgan, and Tom Dodge—had all been living off the Reservation when they ran for office. "We encourage young people to go off the Reservation and then we treat them like outsiders." After considerable maneuvering, an Advisory Committee member succeeded in having the motion tabled by a vote of 42 to 14 with 12 abstentions. In a Council where the usual (and ideal) pattern of voting is unanimity, this represented strong dissension.

The Issues

Per capita division of tribal wealth was the principal issue, but something happened between the first rumor and the election. I am inclined to believe that the issue was not as appealing as it had first appeared. Even in 1957, only

6 out of the 30 Chinle Navajos who answered my political questionnaire were in favor of per capita division. Sam Ahkeah told me in 1959 that he favored the per capita division of Indian Claims awards but not of income. Raymond Nakai told me that he believed in investing the money and dividing the income.

A second major issue was freedom for the peyote cult. Since the cult is outlawed, and therefore secret, it is difficult to assess its strength. Aberle estimated that 12,000 to 14,000 Navajos (out of a total of 70,000 Navajos) were members in 1951 (Aberle and Stewart 1957:25). The Native American Church is incorporated in New Mexico and Arizona. Peyote has been taken off the Federal narcotics list, and in 1959 the State of New Mexico legalized its use in religious ceremonies. The Navajo Tribal Council, however, in 1956 and 1959 reaffirmed its position first taken in 1940, and has refused to legalize the use of peyote on the Reservation. As we have noted, the controversy reached the courts, and the Native American Church plans an appeal to the U. S. Supreme Court.

In 1959, peyote meetings on the Reservation were being broken up, participants jailed and fined, and paraphernalia seized. For this reason, the members of the Native American Church had an important stake in electing a Chairman who would work to change the Council position. Paul Jones actively opposed peyote. Sam Ahkeah took a middle of the road position on the basis of freedom of religion. Raymond Nakai assured me that he was not a member of the peyote cult, but he did favor a referendum on such controversial issues as the use of peyote and the sale of liquor on the Reservation (as matters now stand, the resolutions outlawing both were passed only by the Council.) Nakai, too, believed that the issue of religious freedom is involved in the problem of the peyote cult.

Other less heated issues were the hiring of non-Navajos in positions that qualified Navajos could fill and the salaries for tribal positions. Raymond Nakai objected to the fact that Council officers' salaries had been raised to the level of Arizona and New Mexico State salaries, since Navajo income averages between \$200 and \$300 a year whereas the State income averages from \$2,000 to \$6,000 a year. In his opinion, salaries should be related to Navajo, not non-Navajo, income.

Sam Ahkeah's chief target was Norman Littell, whom he had hired as Claims Attorney, he said, not as General Counsel, at an original salary of \$7,500. (In the *Navajo Tribal Council Resolutions 1922-1951*, however, the introduction attributed to Sam Ahkeah lists Norman Littell as "General Counsel to the Navajo Tribe.") This salary had been raised to \$35,000, with unlimited expense money; furthermore, Mr. Littell had gradually encroached upon the power of the Council until he now controlled it. For thirteen years, Ahkeah said, Mr. Littell had been promising to get money for the Navajos from the Indian Claims Case, but nothing had come of it.

An extraneous, but very hot, issue was tossed into the campaign by the results of the nominating convention. Paul Jones was nominated in all four Provinces, making him the sole candidate for Chairman on the 1959 ballot. Province votes were as follows:

Candidate	Shiprock	Tohatchi	Tuba City	Ganado
Jones	6	19	11	12
Nakai	5	2	4	(other votes not cast)
Ahkeah	3	0	2	

(*Gallup Independent*, Jan. 20, 1959).

Out of the total of 74 permitted votes, only 64 votes were cast. Nakai and Ahkeah between them had enough votes to win the nomination in Shiprock, but they either could not, or would not, put their votes together.

A continuing stream of protests came into the Election Board, to the General Superintendent, and to the Department of the Interior, but in every case it was ruled that the elections conformed to accepted procedure. A move for a write-in campaign was quashed by the tribal lawyers because the pictorial ballot did not permit write-ins. In view of the high illiteracy among Navajos, I was told, election officials would have to help with the write-ins and thus open the door to corruption. (However, in 1951, when the issue was less important, a write-in candidate for Delegate had been elected.) A suit to declare the elections illegal was rejected by the Navajo Court, the first judge having disqualified himself because he was related both to the plaintiff and to the defendant. The protest reached a dramatic, if ridiculous height, when a retired general from California, accompanied by a former Council Vice-Chairman, attempted to make a citizen's arrest upon the Chairman of the Tribal Council. The Chairman, like any outraged head of state, threatened to break off negotiations with the Defense Department unless the General apologized. The General was finally excluded for life from the Reservation after a "cops and robbers" chase, and after Federal officials were flown in to make the arrest.¹³

As far as I could ascertain, the election was legal according to accepted rules. Charges that the Ganado Province Convention had been postponed to permit a rallying of the Jones forces turned out to be based on some hitch in getting credentials to the Chinle Delegate. The first announcement was that there were 33,000 registered voters and a vote of 27,000 was expected. In the election itself, a total of 21,921 votes were cast for Delegates; Jones and Preston, unopposed, received 13,200 votes.¹⁴ Five special elections had to be held because of irregularities, principally lack of secrecy in balloting.

A COMPARISON OF THE ELECTIONS

The issues in the 1955 campaign were inconsequential as compared with those of 1959. The 1955 election was substantially a choice between two men, and the result signified, if anything, a vote for modernization and acculturation. I believe that even if opposed, Paul Jones would have won the 1959 election. The Tribal Council, as far as the districts were concerned, had begun to "produce." By 1959, the Community Development Program was under way. Chapter Houses were going up; officials and committee heads were visiting the

districts "to see what the people need." The Public Works Program had taken the edge off some of the criticisms made in 1957, and the Council had carefully avoided—by requesting repeated extensions—the renewal of stock reduction. Effective propaganda had been carried on against per capita division of the tribe's wealth.

In both elections there was the usual large turnover of Delegates, anywhere from 30 to 50 percent being customary. "Turn the rascals out," "Give someone else a chance," were slogans. Some Delegates failed to be re-elected because their Work Relief policies were disapproved. Some lost out because they had fought, or had not fought, against the tribal Administration. Some were elected because they were peyotists. An estimate, difficult to confirm because of the "illegality" of peyote cult membership, was given me that six active peyotists and nine former peyotists had been elected, making a total of fifteen Councilmen favorable to the use of peyote.

In Chinle in 1959 the regular move was on to oust the Delegate, and for the old familiar reasons. As usual, two candidates ran against him and split the vote. The real threat this time was the Navajo Evangelist, who had polled the highest vote at the nominating meeting. By the time I had reached the Reservation, in February, he was being downgraded as a candidate on the basis of his Christianity. Presbyterians, it was said, would work against drinking and Navajo ceremonies. Apparently this line was effective, coupled with the fact that the Evangelist was considering study at a church school in Phoenix the following year, which left his final acceptance of the office in doubt.

In this election, nine or ten young men under forty were successful, whereas in 1955, only two were elected and one was defeated. Some of the young men had made names for themselves in the Administration; some were Christians; one was a sanitarian for the U.S. Public Health Service. Only one woman, Annie Wauneka, was elected. A woman delegate from Many Farms, who had been elected to fill out her late husband's term, was defeated. The criticism I heard of her was that she was officious and antagonized some people by meddling in affairs that were none of her business. As we have noted, there is a genuine lag in political activity by Navajo women at the top level. Traditionally, although the economic status of women is high, they do not take the "public-speaking" roles. Rapoport believes that the position of Navajo women is declining with acculturation, and it is possible that this is reflected in the modern political form of government (Rapoport 1954:72) (Hamamsy 1957: 111).

To summarize, there is an increasing interest in the elections. The vote in 1959 was larger than in 1955, despite the fact of there being no contest. There is a recognized need, as shown in the final report of the Election Board, to formalize the procedure, to delimit the areas, to control procedure particularly in the nominations, to arrange for better absentee balloting, to allow more time for registration. There is a trend toward voting on issues rather than solely on personalities. There is a trend toward electing younger, more educated delegates. The very bitterness with which the 1959 election was fought

—at least until the nominating conventions—shows that the Navajo Tribal Council is institutionalized in Navajo life. The type of issue raised, indicating disagreement as to means, not ends, shows that the development of the Council is based on a consensus among Navajos on the need for modern political organization.

Comparative election figures are as follows:

	1951	1955	1959
Registration	16,000	22,000	33,000
Total Vote	14,000	16,911	21,921
For Chairman			
Ahkeah	5,933	6,700	—
Becenti	3,247	—	—
Preston	4,986	—	—
Jones	—	10,211	13,200

(Election Reports, Navajo Agency 1951, Navajo Tribal Council 1955, 1959).

CHAPTER XIV

The Future of the Navajo Tribal Council

I HAVE sought to analyze the four authority systems operating in the Navajo political situation and to present the data which validates the hypothesis that the Navajo Tribal Council is fully institutionalized in Navajo life and in the life of the surrounding States. If the Navajo Tribal Council were to be dissolved now, it would induce a major structural and cultural reorganization of Navajo society.

A question naturally arises as to the direction which this institutionalization is taking. What will be the future of the Navajo Tribal Council when the Bureau of Indian Affairs withdraws its costly services? Will the Navajo Tribal Council go out of existence and will authority over Navajo lands pass to the States? Will the Council further extend its authority and its sovereignty, and become a "state within a state"? Will Navajo Indians lose their tribal identity and merge with the surrounding population? Are there compromise solutions that will preserve the Navajo Tribal Council as a political and economic entity, or as an economic entity alone?

The continuation of the Navajo Tribal Council after the withdrawal of the Bureau of Indian Affairs will depend, first, on agreement among Navajos on the value of preserving their own government; second, on what provisions the Federal Government may have made for safeguards in State and Federal legislation to protect the new Indian Council as an entity; and finally, on the type of economic base that has been developed to sustain an expensive governmental organization. The question as to whether or not Navajos, with the assistance of their non-Navajo experts, can manage their own political and economic affairs has, I believe, already been answered in the affirmative.

CONSENSUS AMONG NAVAJOES

Navajos prefer the Indian Bureau to the States. This attitude was expressed to me repeatedly: "The People aren't ready for the States to take over. The ones holding jobs may think the States should take over, but the uneducated are not ready. This ought to wait another hundred years. If the States take over they won't let us keep our Council."

"Navajos are afraid to see the Government go. They would rather let things stay the way they are. They are afraid of taxation so they object to going under the States."

Navajo reactions to some specific issues illustrate graphically this fear of "being turned loose," of "going under the States," of "ending up in Phoenix." One such issue is voting in State and Federal elections. An older Navajo told me, "I don't vote in those elections. Arizona is going to use that as an excuse for taxing us, and when that happens I don't want to get blamed for it."

Another issue was the establishment of a townsite at Shiprock. The plan was to set aside part of the Reservation which could be leased to outside businessmen and industries on a 99-year basis. The businesses would be taxed and the area run by a town board rather than by the Tribal Council. The project was quashed by a petition from local Navajos, who, I was told, were afraid that this was the opening wedge for Whites to take over the Reservation. A third issue was the building of a State school in Chinle. Opinion was split between those who wanted school facilities at any cost, and those who were afraid of the State coming on the Reservation.

For a long time the tribe opposed State aid for roads, but this policy has changed. The reasoning is that since the States collect a gas tax on gasoline sold on the Reservation, some of that money should go back into road maintenance. Rather than let the States take charge of maintaining law and order, however, the Council has been willing to meet the full police and court budget.

FEDERAL POLICY

The present Federal policy, which aims toward the withdrawal of the Bureau of Indian Affairs from the Indian situation, was specifically foreshadowed by the Hoover Commission report on *Social Security—Education—Indian Affairs* in March 1949. The report called for adequate education, an adequate standard of living, and a reduction of mortality and morbidity rates among Indians. It further stated:

A program for the Indian peoples must include progressive measures for their complete integration into the mass of the population as full, tax-paying citizens. The Commission has recommended that this be the firm and continuing policy of the Federal Government. The Commission recommends that, pending achievement of complete integration, the administration of social programs for the Indians should be progressively transferred to State governments. . . . Transfer of tribal property to Indian-owned corporations. Participation of Indian people in political and civic life of the States. Termination of tax exemption for Indian lands. . . . Young employable Indians and the better cultured families should be encouraged and assisted to leave the reservations and set themselves up on the land or in business (1949:65-67).

It is interesting to note that three members of the Hoover Commission dissented on the grounds that this program represented a major change in Federal Indian policy, a change which was outside the province of the Commission.

The first Indian Commissioner appointed after this report was John R. Nichols, a member of the task force that prepared the recommendations. The next Commissioner was Dillon Myer, who had successfully relocated Japanese and Japanese-Americans interned during World War II. He stated that "You cannot have trusteeship without paternalism." (Young 1958:311). In 1953, House Concurrent Resolution No. 108 enacted the termination policy into law. In this same year, the Federal law prohibiting the sale of liquor to Indians off the reservation was repealed, as was the law prohibiting the sale of firearms to Indians. Public Law 280 granted jurisdiction to the states over crimes com-

mitted by Indians against Indians on reservations whenever the states wished to take over the responsibilities (Haas 1957:17, 22). These policies were bipartisan, adhered to by both Democrats and Republicans under President Truman.

Glenn Emmons, the first post-1932 Republican-appointed Commissioner, stated that tribes would be consulted, but he could not promise that action on termination would be taken only with their consent. In 1958, the Secretary of the Interior modified this policy to promise that there would be no termination without the consent of the tribe involved (*Report of the Secretary of the Interior 1959*).¹⁵

During the summer of 1958, I interviewed a number of Bureau officials in the Gallup Area Office and in the Navajo Agency. They said that the important problem was one of timing: each Indian tribe must be treated as a separate problem, and many questions should be answered before it would be advisable to withdraw from the Navajo Reservation. Not only was there a need for more education among Navajos, a large percentage of whom are illiterate, but there was a need for the training of more leaders and more professional experts. Several officials stressed the value of decentralizing tribal authority and developing local leadership as an essential step toward integration of the Indians into the wider society.

The Implementation of Federal Policy

In 1954, recommendations were made for reorganizing the Bureau of Indian Affairs, including the elimination of one-third of the positions in order to reduce expenses. The Window Rock Agency was consolidated with the Albuquerque Area Office into the Gallup Area Office. The Bureau has steadily been trying to turn over services to other groups and agencies. Health facilities on the Reservation have been the responsibility of the U.S. Public Health Service since 1955. The U.S.P.H.S. now maintains a Division of Public Health at Albuquerque. Besides staffing and administering hospitals and health services on the Reservation, it contracts with State and private sanatoria in Arizona, Colorado, Utah, and New Mexico for hospital care of Navajo patients. It also contracts for medical services for Navajo children in off-Reservation public schools. Services to crippled children are financed in conjunction with the Utah State Health Department and the New Mexico Department of Public Welfare.

The new, greatly expanded program for Navajo education includes the placement of Navajo children in off-Reservation public schools. The Government pays a per capita sum for each Indian child in a State school, under the provisions of the Johnson-O'Malley Act. The proportionate increase of Navajo children in public schools out of the total number of Navajos in all schools is shown by the following figures: in 1939, there were 234 in public schools out of 6,375; in 1952, 1,846 out of 13,480; in 1957, 6,000 out of 27,013; and in 1958, 6,900 out of 28,055 (Young 1958:355). The Bureau of Indian Affairs, under Public Law 815, builds dormitories for Navajo students in the towns bordering

on the Reservation. It constructs schools on the Reservation, which are administered (but not financed) by the State, and whose teaching program follows the State curriculum.

Other Federal agencies, such as the Agricultural Conservation and Stabilization Service, contribute funds and participate in soil conservation programs. The U.S. Fish and Wild Life Service, Predator Control Division, cooperates with the Navajo Tribe. Extension activities have been transferred in McKinley County, New Mexico, to the supervision of the County Extension Service under the Department of Agriculture.

Since 1950, State Employment Offices and the Railroad Retirement Board have handled off-Reservation placement and railroad employment. The Bureau continues a program of relocation in the more distant cities.

Since 1950 the States have administered social security programs for Navajos, such as categorical aid to the blind, needy dependents, and needy aged. The States pay 20 percent of the cost, the remainder coming from Federal funds. The maintenance and construction of roads on the Reservation is the Bureau's responsibility, but New Mexico has undertaken to maintain three Reservation roads and Arizona has recently agreed to assume some responsibility for Reservation roads, after having refused to do so for many years. In Utah, some oil companies shared expenses for bridge construction with the Bureau and the tribe. Much of the building and road construction is contracted for by the Government with private companies. Government garages on the Reservation are leased to private managers.

The responsibilities that the tribe has taken over from the Bureau have already been discussed at some length. The major ones are the maintenance of law and order, the conduct of tribal elections, some welfare services, responsibility for grazing regulations and small-scale irrigation projects, and water control.

STATE POLICIES

There have been no specific legal moves toward termination on the part of Arizona, New Mexico, or Utah, unless the efforts of Arizona to tax Navajo oil and gas income, to tax all receipts of Reservation traders who presently pay taxes only on their estimated non-Navajo business, to use State courts in the collection of individual debts on the Reservation, and to force the Tribal Council to waive sovereign immunity can be judged as calculated preparations for termination. When Arizona recently announced that because of the Supreme Court ruling in the *Williams v. Lee* case, the State would be unable to police general elections on the Reservation and therefore would refuse to meet the costs, the Navajo Tribe expressed willingness to assume both the responsibility and the expense just as it had done with law and order.

Attitudes toward the future of the Tribal Council after the withdrawal of the Indian Bureau fall into two principal categories. According to one position, tribal identity, political as well as economic, should be guaranteed by State legislation. According to the other, Indians should become regular citizens, pay

taxes, and own their own land in order to develop initiative and a sense of responsibility; the collectivistic experiments should be brought to an end. Conflicting opinions are also heard on the rightness of withdrawal as a policy; most vehement on this subject is Oliver LaFarge of the Association on American Indian Affairs, who says the present policy of the Government "does not actually aim to destroy the bodies of living Indians . . . but to disintegrate their communities, their hopes, their very souls" (LaFarge 1958:1). The opposite view, of course, is that the Bureau of Indian Affairs is keeping the Indians from taking their place in the mainstream of American life.

POSSIBILITIES FOR THE FUTURE

A number of suggestions were given to me on the possibilities for the Navajo Tribal Council after termination of the Reservation. (1) The Reservation will be liquidated and the land will be allotted to the individual Indians. They will become citizens with all the rights and responsibilities that this implies. The Tribal Council will come to an end, having served its purpose by training Navajos to compete in the outside world. (2) The Bureau of Indian Affairs will withdraw and the Navajo Tribal Council will take over complete jurisdiction of tribal affairs. This is the right of the Navajo Tribe as a sovereign nation which signed the Treaty of 1868. (3) Individually owned land will be consolidated with Reservation land to form a Navajo State, which will be on a par with Arizona, New Mexico, and Utah—a fifty-first state. (4) The present Navajo land will be consolidated to form a county within one of the three bordering States. (5) The tribe will incorporate for the ownership and management of its resources and land under state law. The land and resources will then be put under trust management and the Navajos will draw dividends as stockholders in the corporation. (6) The tribe will incorporate under state law and will manage its own land and resources, individual Navajos being considered as stockholders.

One non-Navajo Tribal Council employee suggested the following:

A controlled economy approach might get off to a good start with the Navajos. They have sixteen million acres of land, will have 150,000 acres of irrigated land, an unlimited supply of cheap coal. Termination two generations off would not be a catastrophe as they have already proved that they have enough talent to operate. They can hire white experts to be a buffer between them and the outside world.

Certainly it is in the direction of a tribe-based, controlled economy that the Council leadership, tribal advisers, and the Bureau of Indian Affairs are guiding the Navajos. Differences of opinion are over means, not ends. The Bureau, through its Gallup Office, presses the Council (1) to budget expenses within tribal income; (2) to invest in projects that will bring a financial return; (3) to encourage off-Reservation employment in order to absorb some of the rapidly increasing population; (4) to attract industry to the peripheries, (5) to develop Reservation resources in a non-speculative manner; and (6) to accelerate the decentralization of the Tribal Council by developing District Councils and Chapters.

The tribe's advisers, particularly its lawyers, are admittedly advocating a policy that will lead to withdrawal and termination in the future. They advise (1) increasing Council authority over the Reservation; (2) limiting the control of the Secretary of the Interior; (3) establishing tribal independence of the U.S. Constitution and the Bill of Rights; (4) preventing the unionization of the Reservation; (5) resisting the authority of the National Labor Relations Board; (6) protecting Navajo control over resources; (7) increasing Navajo revenue through high returns from oil- and gas-leasing bonuses and royalties; (8) augmenting tribal funds at the expense of the U.S. Government through the Indian Claims Case, the Hatahly Case, and the Helium Case. They do not oppose heavy tribal expenditures for legal cases, for law and order, for general elections, or for high salaries paid to non-Navajo experts. As Norman Littell says: "The Navajos now realize that they get what they pay for—that free and gratuitous advice from benign and paternalistic sources is usually worth what they pay for it—nothing!" (1958). Their emphasis is on the political and economic development of the Reservation as a quasi-autonomous state rather than on the integration of Navajos into off-Reservation life. The present tribal leaders, I believe, concur in this orientation.

PREDICTIONS

The key question on which the future of the Navajo Tribal Council depends is the type of economic base that can be developed. If Navajo oil, gas, timber, and power resources prove sufficient to sustain the population at even a minimum standard of living, it is possible that the States will accept the organization of a Navajo county, thus permitting the Indians to retain a measure of political authority. If, however, after the withdrawal of the Bureau of Indian Affairs the tribe presents as great a burden to the States as it now does to the Federal Government, I do not believe that Arizona or New Mexico will agree to assume greater costs without greater control. It is even less likely that the tribe will be allowed to form a fifty-first State unless Navajos are much nearer their goal of self-support than they are at the present time. They could, however, form their own economic corporation under State laws and keep their tribal funds and lands intact. I do not believe that Navajos would be willing, after their heady taste of self-government, to submit to trust management.

The tribe will continue to grow, or rather explode, in numbers. Younger people will more and more seek employment off the Reservation, but this will not substantially decrease the large Reservation population. With universal education in sight, young Navajos will demand a higher standard of living than that of their parents. The isolation of the Reservation will be broken down by good roads, radios, cars, tourist travel, industrial development, off-Reservation schooling, and off-Reservation employment.

High school and college education will increase the numbers of potential leaders for the modern political system, and general education will stimulate Navajos to take part in tribal, State, and Federal politics. There will be less dependence on non-Navajos for advice. Decentralization and community de-

velopment will weaken the concentration of authority at the top of the Council structure. Political power will no longer be so easily controlled by a few key Navajos and a few influential white experts, particularly the legal staff. The present and future leaders of the Navajo government will continue to press for tribal autonomy, and impel the tribe in the direction of nationhood, toward the formation of a state within a state.

As an emerging nation, the Navajo tribe bears comparison with African efforts to attain self-government under indirect rule. Like the Africans, Navajos enjoy an illusory sovereignty under a Governor-General (the General Superintendent), and a colonial administrative staff (the Bureau of Indian Affairs). There are, however, important—probably crucial—differences in size of population, of land base, and of economic resources. Navajos remain an enclave in a sea of white Americans.

That the Navajo leaders view the tribe as a developing nation can be seen in their readiness to contend with any group which threatens to encroach on their territory. "Exclusion from the Reservation" is their most potent weapon. Their angry response to criticism, their tendency to secrecy about Advisory Committee meetings, finances, records, and contracts, illustrate this nationalistic trend, which is in large part a reaction against old suspicions and old betrayals. As nationalists, they concentrate almost exclusively on the development of "Navajoland" and leave the problems of integrating off-Reservation Navajos into the wider society largely in the hands of the Bureau of Indian Affairs or local "do-gooders." For this reason, perhaps, they do not perceive their very real community of interests with other Indian tribes, with other minority groups, or with organized labor as Navajos enter the off-Reservation labor market. Instead of taking part in the struggle to break down discrimination in the labor unions, they prefer to exclude unions from the Reservation. They object to the employment of other Indians on Government-financed projects on the Reservation, and employ few on their own tribal works. The usual struggle of a minority in the United States, for example that of the American Negroes, is oriented toward the enforcement of the Bill of Rights and as such is instrumental in increasing civil rights for the country as a whole. The goal of the Negroes is clearly that of integration into white society. Navajos, striving to build a political state in microcosm, favor the immediate and narrow legal definition of the situation, and move to free themselves from the Bill of Rights.

Although there is currently a wide divergence in attitudes among the States, their positions are not fixed and tend to change with changing circumstances. Utah fights the tribe when it wishes to retain oil rights on exchanged land; New Mexico resists an extension of Navajo boundaries at the expense of the State. The problem of dual citizenship will become more acute for Arizona as the Navajo vote increases with increased literacy and the Indians are in a position to control three northern counties and elect a member of Congress. The day may come when Navajos are more interested in State citizenship than in their tribal franchise. In the meantime, the States will continue to assume

willingly the direction of Navajo services provided the Federal Government pays the bills. There will be increasing pressure to eliminate the Navajo Tribal Council as a political and legal sovereign. The States will persist in their efforts to secure Federal funds without Federal control until the time when the Bureau of Indian Affairs is liquidated.

In the move toward nationalism, tribal leaders and their advisers have antagonized many individuals and many groups. Some of these clashes reflect a genuine conflict of interests; others are the flexing of the muscles of a people inexperienced in diplomacy and modern politics, a people who are so overwhelmed with their own harsh problems that they have had neither the time nor the experience to cultivate the long view. The very struggle, however, has sharpened the perception of tribal leaders, focused their attention on all-tribal rather than purely familial or regional interests, and aroused that sense of the Navajo Tribe as an entity which is essential to the preservation of Navajo lands and resources for future generations.

I believe that the Treaty of 1868 will not indefinitely protect an illusory sovereignty. It is inconceivable, in view of American historical trends, that 85,000 people occupying 16,000,000 acres of land and spilling over into three states and nine counties, would be allowed to continue as a state within a state once their buffer, the Bureau of Indian Affairs, is no more. "Domestic dependent nations" are permitted an existence in the United States so long as they are weak. The futile efforts of the Mormons to establish an independent State of Deseret, of the South to secede from the Union, and of Arkansas and Mississippi to defy the United States Supreme Court on segregation cast a longer shadow into the future than do *Worcester v. Georgia* or *Williams v. Lee*. Lacking an economic base for self-sufficiency, Navajos will be forced into a compromise with outside interests. But their taste of authority and of a quasi-sovereignty will not go for nothing. It has motivated them and trained them for management. I predict that they will eventually organize as an economic corporation. Such a move will preserve their tribal identity and their "Indian-ness," regardless of what happens to the Bureau of Indian Affairs, for years to come. At the same time, Navajos will be moving into white society, and exercising their State citizenship until they are participating on the higher levels of State affairs.

CHAPTER XV

Conclusion

WE HAVE followed a case study of the development of a modern political system in a stateless tribal society within a "colonial" setting. The purpose of this final chapter is to summarize the factors involved in this development, those which have promoted the institutionalization of the new political system and those which have retarded it. Our second aim is to draw some general conclusions regarding the necessary conditions for the institutionalization of a modern political system in a stateless, tradition-oriented society, for the institutionalization of such a system in a colonial situation, and for the institutionalization of any political system in any society.

THE INSTITUTIONALIZATION OF A NEW POLITICAL SYSTEM

A new political system may be considered "fully institutionalized" when it has developed to the point that it could not conceivably be withdrawn from a society without effecting a fundamental change in that society's way of life.

The first requisite for institutionalization is "felt need," an old concept which has fallen into some disrepute. Perhaps in a political context and in reference to a whole society the nearest equivalent is "consensus." That is, enough people in a society must perceive the value of the new political system to accept it, to adjust and readjust old patterns of value and of behavior, to learn the new processes of decision-making.

A second requisite is an external situation that favors the development of a new political system. Economic or population factors may create a perceived need, but it is unlikely that a leap can be made from a stateless, traditional authority system to a centralized, rational-legal one without some experience with an alien system that can serve as a model for the new development. In the case we are studying, the "colonial" situation compelled interaction with a modern government. Lacking such a model, some transitional form, perhaps Weber's patrimonial or feudal type, would have acted as the bridge between the strictly traditional and the rational-legal system. The external situation must, in addition, provide freedom for the development of the new authority patterns. In a colonial setting, either the dominant power must foster the growth of a new political system, or the subordinate power must have wrested the right to self-government from the colonial overlord.

Freedom from without is necessary; so is freedom from within. Even in a stateless society, corporate groups based on kinship or inherited rank may have preempted power and property. In this type of structure the control of the vested interests must be displaced.

A third requisite is the acquisition of the means for supporting a central-

ized government, its organs, and its personnel. This demands a broad economic base and a surplus of wealth.

These are the general requisites for such a development in any society. Let us see how these conditions obtain in Navajo life.

THE NAVAJO CASE

The Navajo Tribal Council, a whole new political system comprising a normative order, recognized functions, accepted processes of behavior, concrete units with delimited areas of authority and responsibility, and a component role system has become integrated into Navajo social life within the last decade. Although the Navajo Tribe is not yet economically self-sufficient, it is fast approaching the stage where it could function as a politically autonomous state.

For nearly a century, the Navajo traditional authority system has ceased to be sovereign. Only a little more than ten years have passed since the modern Navajo political system began to assume the authority, exercise the initiative, invite the participation, and inspire the allegiance of Navajos to the extent that it can be considered a fundamental part of Navajo social life. What has happened to explain this institutionalization?

To begin with the first requisite, consensus. There was no widespread agreement among Navajos on the value of all-tribal government until after World War II. Conquest, the forced surrender of Navajos and their removal to Fort Sumner, had convinced the tribe only of the superiority of American arms. The threat of starvation induced it to accept peaceably, and recognize as legitimate, the establishment of a reservation under the authority of a Navajo Agent and his appointed headmen. But the cooperative patterns of herding and dry farming among families, the semi-nomadic, scattered residence patterns, vast distances and isolation from the frontier, enabled Navajos to re-establish their traditional way of life with a minimum of readjustment to the new sovereign authority.

When the Tribal Council was first established, it was an alien innovation, not regarded by the Navajos as either important or necessary. Only a few leaders who were in close contact with the Indian Bureau could appreciate the need to conserve tribal assets. There was little for the new organization to do except delegate authority to negotiate oil leases to the Indian Commissioner and to sign the contracts. The concept of all-tribal authority at this time was distrusted. Since the Navajos saw no concrete results either in money or services, there was no reason for the new authority system, conceived by aliens, to inspire their allegiance.

Possibly the Indian Reorganization Act represented the liberation of other American Indian tribes, but for the Navajos the "Indian New Deal" was the period of greatest coercion since Bosque Redondo. Some Navajos may have understood the ultimate benefit of stock reduction, but the majority of the People thought it neither necessary, nor desirable, nor legitimate; it was an outrage. Even today Navajo stock-owners and former stock-owners deplore the

loss of their sheep. Looking to the future, conserving against scarcity, thinking in terms of all-tribal benefits, is not the Navajo Way. In the 1930's, the Bureau of Indian Affairs needed a Navajo tribal council to implement a distasteful program. The Government built a beautiful eight-sided Council Chamber and a Navajo Capital at Window Rock, but this did not, in Navajo thinking, take the curse off a group of treacherous men who, under a combination of threats and promises, were voting for naked expropriation. Some areas refused to participate in tribal elections. Whatever shreds of legitimacy the Council had were conferred upon it by the United States Government, Federal troops, and United States jails. Navajos who attempted to use the alien units to express the popular will and oppose the grazing regulations soon lost Government help. John Collier and the Bureau of Indian Affairs believed that they were acting in the best interests of the tribe, but most Navajos even today do not agree. An attitude of hostility is constantly kept alive by the General Counsel, who uses public occasions to attack Collier and his Superintendent, Fryer, and to laud, as patriots, the Navajo resisters.

Some of the older Navajo leaders attempted to mediate between the Council, the Bureau, and the Tribe, but the Council had no real authority, no money, and no indispensable functions to perform. Decisions were made and money was appropriated by Congress and the Indian Bureau. When I first inquired about the Tribal Council I was told by non-Navajo informants that the Navajos weren't interested; they had no respect for the Delegates; they just picked somebody who didn't mind dealing with Whites or who wanted a job. This is probably the true picture of the early 1940's.

But by the end of the 1940's a number of things had happened. The traditional economy had been broken by stock reduction; more and more Navajos were dependent upon wage work. World War II catapulted 3,600 Navajos into the armed forces, and 15,000 into off-Reservation war work. Educated Navajos got the good jobs and the promotions, so that in the end, the old Navajos accepted the value of education for the young, and the need to cope with the white man's world. After the war, trucks, cars, radios, and movies cut through the centuries of isolation.

Despite fundamental differences in beliefs, values, and experience, both traditional and modern Navajos are in partial agreement. They want to preserve something of the old way of life, the right to practice Navajo religion, the Navajo land, old ways for the old people, use rights to land, and tribal ownership of resources. Neither group wants the Government, their buffer against the States, to withdraw completely. No one wants to be "turned loose" and exposed to the mercy of the States. It is on this basic consensus that the Navajo Tribal Council has become institutionalized in Navajo life.

The second requisite, freedom to develop a new political system, is present. The Federal Government in this semi-colonial situation has increasingly fostered Indian self-government—not fast enough, true, to suit the tribal leaders, but too fast to suit the old people. As a Navajo tribal employee once said to me,

"They have given us a knife and said, 'Now go and cut your own throats.' "

Freedom from within the society is inherent in the flexibility of traditional Navajo social structure and authority patterns. This means that there are no individuals or corporate groups with vested interests of great strength and power to be superseded or displaced. No family or clan group inherits super-ordinate authority. Leadership roles are achieved, not ascribed. No fixed power structure accompanies the ceremonial system. No secret societies, no all-permeating theocratic government, hinder the growth of a secular authority. Population increases and new, complicated economic problems cannot be handled with the old informal structures; the new system is needed because it is geared to new problems. The transition from an informal, non-authoritarian, diffuse, face-to-face system of traditional government to a modern, formal system is difficult. Old family patterns of cooperation, informal controls, witchcraft accusations, distrust of fixed rules, and delegation of authority act to slow up the rate of institutionalization, but they do not block the development.

It is interesting to speculate on whether or not a modern system could develop from the grass roots and proceed to increasing centralization. I think not. The value of a new system sometimes becomes apparent to a few people at a time; only a few possess the skills to act in it; the model for the Tribal Council is a centralized, authoritarian bureaucracy. Decentralization becomes institutionalized with growth. The Navajo Tribal Council is not simply copying a political model which it has seen; for centuries Navajos lived in the Southwest beside the Spaniards and the highly organized theocratic city-states of the Pueblos, without borrowing their political patterns. The system they are now displacing with their own form is one with which they have been forced to interact for a hundred years. What they are creating is neither a reproduction of Navajo traditional society nor a copy of American free enterprise, but their own form of a tribe-centered, collectivistic state.

A further factor which in Navajo society facilitates this otherwise difficult development is the continued existence of areas where traditional authority and leadership may be exercised. In addition, there are new areas where the young, educated leadership can be used before it is acceptable to the traditional society, that is, in the bureaucratic system of the Government and of the Tribal Council. This drains off some of the strain of a transition period and perhaps protects the Council from the bitter factionalism which would hinder, if not prevent, its development as a viable system.

The financial requisites for operating a complex political system have suddenly appeared with the discovery of gas and oil on the Reservation. Millions of dollars in the tribal treasury have provided the Council with the means for furnishing the services that are the true function of government in the eyes of the traditional Navajos, who do not value rule-making and coercion. As of the present, when the Federal system still continues to function in relation to the Tribal Council with a budget almost twice as large as that of the Navajo system, the Council leaders can lean heavily on the legal definition of their situa-

tion and assume the attributes of a state within a state. Whether they can do so when restricted to their own economic resources after Federal support is withdrawn will remain to be seen.

SUMMARY

If one type of factor—such as economy, social structure, or historical situation—could be isolated and proved to be the determinant of the institutionalization of a new political system, this would be a much neater study. I believe I have demonstrated that multiple factors are operating to bring about the change. Strain, or a compelling need for change from within or from without a society, would not necessarily produce the Navajo pattern. Reaction to strain might take the direction of fractionation of the tribe as with the Hopi clan-based villages, or that of the “encysting” of the theocratic city states along the Rio Grande, or of detribalization and assimilation into the larger society as was the fate of the smaller California and Atlantic Seaboard tribes.

To summarize the conclusions from the Navajo case: a modern political system will not become institutionalized in a stateless, tribal society unless there is consensus on the value of accepting and participating in the new system. Such a development cannot take place from within the society but will result from interaction with a modern system, usually in a colonial setting. There must be freedom for development within the colonial system. If there are strong corporate groups exercising political authority in the traditional society, the change will not be directly from a stateless, tribal society to a modern centralized democracy, but will take intermediate forms. There must be an economic base to sustain the new government. When all of these factors are present, the new system will become institutionalized.

Notes

¹ Since it is the practice of both the Federal Government and the Navajo Tribal Council to spell "Navajo" with a "j" rather than the "h" preferred by many anthropologists, I have chosen the former spelling to avoid confusion.

² The Navajo Claims Case is a suit which the United States Government has permitted the Navajo Tribe to file against it in order to fix appropriate compensation for lands and other property claimed by both the Navajos and the United States.

³ The major crimes are murder, rape, manslaughter, robbery, burglary, larceny, assault with a deadly weapon, assault with intent to kill, incest, arson, and embezzlement of tribal funds.

⁴ The right of Indians living on reservations to vote in State elections was challenged by a defeated candidate for the Lieutenant-Governorship of New Mexico. Joseph A. Montoya, Democrat, lost the 1960 election to Thomas Bolack, Republican, by 279 votes. Bolack had been active as a lobbyist for the San Juan-Chama Diversion Bill and had financed out of his own ample resources a ranch farmed by Navajo Indians. His purpose was to prove that Indians would benefit by irrigation. These activities, as would be expected, won him wide support among Navajos. Montoya claimed that 2,519 Navajos living on the Reservation had voted illegally (by his definition) and that he would otherwise have won the election by 7,700 votes. He contended that Indians living on reservations over which the State could exercise no jurisdiction should not be allowed to vote for State officials. The District Court of Albuquerque ruled against Montoya. On June 5, 1962, the New Mexico Supreme Court upheld the right of Indians on reservations to vote in State elections. However, the Court suggested that the State Legislature should clarify the issue (*Newsletter* July 1962:8-9). Many New Mexican Democrats deplored Montoya's move, particularly at a time when the Democratic Party was beginning to make inroads among the predominantly Republican (anti-Collier) Navajo Indians. Some of the more politically sophisticated Navajos of the Shiprock-Farmington area formed the Totah Navajo Club to protect the right of Indians on reservations to vote in State elections.

^{4a} In 1923 the position of Commissioner to the Navajo Tribe was created with supervisory authority over the six separate jurisdictions on the Reservation. (Navajos living in the Hopi jurisdiction, the 1882 extension area, were allowed representation in the new Navajo Tribal Council.) In 1928 the Commissioner of Indian Affairs assumed all powers over the Navajo Tribal Council formerly exercised by the Commissioner to the Navajo Tribe.

⁵ One version of the selection of the 70 members of the Constitutional Assembly was that they were arbitrarily selected to represent each 400 or 500 units of population in a Land Management District. An old leader, Chic Sandoval, told me that "Father Berard said the old system of leadership by communities was best so we went back to it. The first members were appointed and they selected their Chairman." I interviewed the late Father Berard in 1961, the year of his death, in Santa Fe. He said that the Assembly was not "hand-picked" because the members had actually been elected in their districts. I asked him if there was any truth to the accusation that he and Chee Dodge had "stacked the Council with Catholics." He laughed and said, "How could I? There were almost no Navajo Catholics in those days."

⁶ In 1959 the United Steel Workers Union (AFL-CIO) requested the National Labor Relations Board to conduct a union election at the Texas-Zinc Minerals Corporation plant at Mexican Hat, Utah. The NLRB contended that it had jurisdiction in labor-management disputes in firms on an Indian reservation if they were involved in interstate business. The Navajo Tribe filed suit in Federal Court on March 24, 1960, requesting that the NLRB decision be declared invalid. The case for the Tribe was lost in Federal Court in 1961, and the U.S. Supreme Court rejected a petition for certiorari. The disputed election was held, but 56 out of 67 workers at the Mexican Hat plant voted against joining the union (*Newsletter* November 1961:4).

⁷ A U.S. Court of Appeals upheld the Navajo Tribal Council ban on the use of peyote. At issue was the 1959 order of the Secretary of the Interior approving the Council's action. The

Court ruled that the Secretary of the Interior had no authority to overrule the Council in this sphere. The use of peyote for religious purposes has been legalized in New Mexico, and Arizona Courts have ruled that the State ban against the use of peyote is unconstitutional. The Native American Church, which claims 200,000 adherents, plans to take the case to the U.S. Supreme Court (*Newsletter* September 1962:10).

⁸ Annual expenditures may exceed the budget. For example, the final appropriations authorized by the Council in 1959 totaled \$22,893,365. In 1960 they totaled \$35,519,472 (Young 1961:332).

⁹ After lengthy negotiations during the course of which the Arizona Public Service Corporation demanded that the Navajo Tribe waive immunity to suit and the Tribe, on the advice of its legal staff, refused to do so, a lease was signed permitting the Corporation to construct a power plant near Fruitland. The plant will make extensive use of Reservation coal deposits in the area. It is expected to be completed in the spring of 1963.

¹⁰ The San Juan-Chama Diversion Bill was passed in 1963, but Congress adjourned without appropriating funds to begin the Navajo Irrigation Project (*Newsletter* December 1962:18). This project is expected to divert enough water from the San Juan River to irrigate 110,000 more acres on the Navajo Reservation.

¹¹ Problems concerning F.H.A. loans on Indian reservations have been ironed out, and some 258 new houses are being built by the Allied Construction Company of Phoenix in a subdivision at Window Rock.

¹² The election procedure which was so severely criticized during the 1959 elections was revised in 1962. After widespread discussion throughout the Reservation through the Chapter apparatus, two principal changes were made. There will be permanent registration of Navajo voters. If a voter fails to exercise the franchise in an election, his name will be removed from the rolls; he will be notified by mail, and will be required to reregister for the next election. A second, and very important change, provides for the calling of a special meeting of all delegates to nominating conventions in case all four Provinces nominate the same candidate for Chairman. This special meeting will proceed to nominate a second candidate for Chairman who will then choose his running mate and the names will appear on the ballot.

¹³ Brigadier General Herbert C. Holdridge, U.S. Army retired, stated in a day letter to Chief Justice Earl Warren that he had "acted to this date to halt crimes on Navajo Indian Reservation . . . declared the recent Navajo elections null and void as being consummated through fraud and conspiracy to deprive the Navajos of voting franchise have vacated all offices tribal council at Window Rock, Arizona, and have placed Chairman Paul Jones and Vice Chairman Preston under technical arrest and on parole pending full investigation . . . of election frauds and related crimes including complete audit of books involving millions of dollars oil funds possibly mismanaged or misappropriated for which no adequate accounting has been made" (Personal communication from General Holdridge 1961). General Holdridge was judged sane at a sanity hearing and on November 12, 1959, he was acquitted of a charge of simple assault against Paul Jones.

¹⁴ Supporters of Nakai and Ahkeah had called on Navajos to abstain from voting for Jones-Preston in protest against the "unfairness" of the election procedure. The discrepancy between the total vote and the vote for Chairman (8,700) was hailed as a show of strength by the opposition. However, in my opinion, many Navajos did not vote for Chairman because they were convinced that Jones was already elected. Jones would probably have been elected even if Nakai or Ahkeah had appeared on the ballot. The community development program and particularly the Public Works program had taken the force out of the issue of per capita distribution, and peyotists were still in the minority.

¹⁵ The Democratic Administration elected in 1960 brought Arizona State Representative Stewart Udall to the position of Secretary of the Interior. His first move was to appoint a Task Force to consult with the Indian tribes of the United States. The group was composed of W. W. Keeler of Oklahoma, a Cherokee Indian; Philleo Nash, former Lieutenant Governor of Wisconsin; James Officer, a University of Arizona anthropologist; and William Zimmerman, Jr., Assistant Commissioner of the Indian Bureau from 1933 to 1950. Their recommendations included: development of the Indians' economic situation, attracting industry to reservations, developing better

credit facilities, assuring equal rights and privileges for Indians on reservations and off. The overall aim should be to establish social, economic, and political parity for Indians with other United States citizens. In September of 1961, Philleo Nash was appointed Commissioner of Indian Affairs (Young 1961:593). Secretary Udall, in a speech at Santo Domingo Pueblo on October 2, 1961, said, "If we develop reservation resources to the extent they should be developed, termination will take care of itself," adding that termination is a dead issue and does not enter into any planning now under way (*Newsletter* November 1961:3). Termination is not, however, a dead issue to every authority on Indian affairs. In an interview with the Washington correspondent of the *Albuquerque Journal*, May 7, 1962, Glenn Emmons, the former Commissioner of Indian Affairs, recommended immediate termination of the Government's trusteeship for Indians, followed by a period of "self-adjustment with security." Tribal rolls should be closed and thereafter everyone on the rolls would receive \$50 a month for life (*Newsletter* June 1962:7) (Personal communication from Charles Minton, December 1962).

¹⁶ This prediction held good for twenty years but in March 1963 a forty-five year old Christian Navajo was elected Tribal Chairman because he promised to help the individual Navajo.

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